



## Annual Town Meeting March 25, 2023

### *Narrative*

Town moderator, John Arnold opened the meeting at 9:00 a.m. He asked all to stand and led those present in the "Pledge of Allegiance."

Moderator Arnold called the meeting to order pursuant to a warrant posted as required by law. He acknowledged his role as Moderator as well as introduced the newly elected Town Clerk, Deborah Ledoux. Mr. Arnold welcomed all present and gave an overview of Town Meeting Rules and Procedures as required by the Town Bylaws.

Moderator Arnold acknowledged Town Officials present at Town Meeting, which included The Select Board, Town Staff, Town Counsel, Planning Board, School Committee and the Advisory Finance Committee. Mr. Arnold referred to the Report of the Advisory Finance Committee and their recommendations and noted it is available and contains the warrant articles being presented. He acknowledged the technical work of Steve Masciarelli, Mark Stockman and their staff for bringing video/microphone set-up to the meeting room and to the viewing audience.

Moderator Arnold thanked Brittany Jacobs and Donna Lang for their suggestion as well as help with the newly designed Town Meeting information sheet. It is part of an ongoing effort to improve outreach and make people feel welcome and understand what Town Meeting is. He also thanked the voters for participating in Town Meeting, which is Westborough's legislative body.

Moderator Arnold noted all Town Meeting activities are to be done in the auditorium and that the gymnasium is set-up but not wired for electronic voting.

Moderator Arnold then nominated Lisa Blazejewski of 2 Treetop Park and Elizabeth Jane Clapp of 11 Chauncy Circle as Deputy Moderators. He noted the first test of handsets would be conducted by a vote for the nomination of Lisa Blazejewski and Elizabeth Jane Clapp. The vote was taken and outcome was 100 in favor and 3 opposed. Ms. Blazejewski and Ms. Clapp were appointed Deputy Moderators. Mr. Arnold swore Ms. Blazejewski and Ms. Clapp in and thanked them for their willingness to serve.

Moderator Arnold motioned for a vote to allow (1) non-voter, Rich Niles of Andover, Massachusetts to speak if called upon on Articles 27 and 28 relative to the stormwater proposal. A second test of the handsets was conducted to allow the Non-Voter to speak if called upon. The vote was 99 in favor and 9 opposed. The motion passed.

Moderator Arnold told voters that his primary role is to oversee, regulate and preside over the meeting. Mr. Arnold asked to keep eating and drinking to a minimum while sitting in the auditorium. Based on feedback, Mr. Arnold said he plans to work through lunch. The school staff will have food available in the gymnasium. He plans to break for dinner around 5:30 p.m. if that is what the meeting votes to do. Mr. Arnold said if we do a formal recess, we will stop the meeting for a given period and everyone will need to check out and then check back in. Mr. Arnold said if you need to leave for any reason please return your voting device but noted if they are not leaving the building they can keep the electronic device with them and not check out.

Moderator Arnold noted there are standing and roaming microphones. Mr. Arnold will recognize anyone who wishes to speak and they can go to a microphone or a scout will bring a microphone to them.

Moderator Arnold further explained the rules relating to Town Meeting indicate votes are of people here present and voting. Only registered voters can have a voting device, only registered voters can use them and each registered voter can have only one. Proxy voting is not allowed (you cannot have a voting device for another person). He said it is not a good thing to be caught voting twice. Mr. Arnold noted if you do see someone voting twice to report it immediately.

Moderator Arnold said we are here as a legislative body and this is not an open forum. We are here acting as citizen legislatures and the process is to have a structured conversation. Mr. Arnold noted he must recognize who speaks and only one person will speak at a time. He explained those representing a motion which is particularly complicated will be given 10 minutes to speak. He further explained that if he has been approached for a rebuttal presentation an equal amount of time would be given. Mr. Arnold explained in terms of regular speeches whether advocating for or against a motion or asking questions, each voter is limited to a session of 3 minutes. Mr. Arnold said he has a new “traffic light” system, which will be run by Lisa Edinberg and Jane Clapp. He explained the way it works is at 3 minutes, the light will be green, with 1-minute left, it will go to yellow and with 30 seconds, it goes to red (wrap up your remarks). All of the lights go back on when the time is up. In addition, Mr. Arnold will have people who wish to speak to an article spread out in a line against the wall behind the microphone. He will recognize someone from the line and invite him or her to speak. Interrupting the speaker is not allowed. Cheering, applauding, booing or hissing are not allowed. He noted the “scope of discussion” is limited to the topic and motion only. He further noted that if anyone has a question they should call out “Point of Order” to be heard. Lastly, Mr. Arnold reviewed the Emergency Evacuation Procedures.

Moderator Arnold announced we now have an academy award winner from Westborough. Daniel Kwan, a WHS graduated in the Class of 2016 won for his work on ‘Everything Everywhere All at Once’.

And with that, Moderator Arnold opened the 2023 Annual Town Meeting.

Moderator Arnold recognized Paula Less, 7 Blake Street, at the microphone. Ms. Less asked the moderator if she could make a very small presentation before votes are taken on Article 2. Mr. Arnold replied yes but it will be a three-minute speech like everyone else.

Moderator Arnold returned to Article 1 and asked everyone who was on the ballot to stand and be recognized. He thanked all the candidates on behalf of Town Meeting for their commitment to the town and willingness to serve.

Mr. Arnold welcomed all new town meeting attendees; and, recognized people who have been here for 50 years. He recognized retired Fire Chief James Parker as a fifty-plus year attendee of Town Meeting.

**COMMONWEALTH OF MASSACHUSETTS  
WORCESTER, SS**

**TO ANY CONSTABLE IN THE TOWN OF WESTBOROUGH, IN THE COUNTY OF  
WORCESTER, GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Westborough, qualified to vote in elections and town affairs, to meet in various precincts in Westborough on Tuesday, the 14th day of March, 2023 at 8:00 A.M. for the following purposes:

**ARTICLE 1: Annual Town Election (Select Board)**  
To bring in their votes for:

- One (1) Select Board Member (3 years)
- Two (2) School Committee members (3 years)
- One (1) Moderator (3 years)
- One (1) Town Clerk (3 years)
- One (1) Planning Board member (5 years)
- One (1) Planning Board member (2 years)
- Three (3) Trustees of Public Library (3 years)
- One (1) Trustees of Public Library (1 year)
- One (1) Trustees of Soldiers’ Memorials – Veteran (3 Year Term)
- One (1) Trustees of Soldiers’ Memorials – Non-Veteran (1 Year Term)

Polls will be open from 8 A.M. to 8 P.M. in the following places:

Precincts 1 – 6 Westborough High School, 90 West Main Street

And to act on the following articles at the adjourned session of said meeting on March 25, 2023, at 9:00 A.M. in the Westborough High School at 90 West Main Street.

The Article Information statements printed in italics are not part of the formal articles of the warrant. They constitute additional information offered for the benefit of the voters, true and correct as of the time of posting of the warrant, but subject to change as called for. They are not to be construed so as to broaden or limit the scope

of the formal articles.

## **ARTICLE 2: Town Reports (Advisory Finance Committee)**

To see if the Town will vote to hear the reports of the several town officers and committees, and to dissolve any committees established by Town Meeting that have fulfilled their mission, or take any other action thereon.

*The motion for this article requires a simple majority vote.*

*Michael Barretti, Chair of the Advisory Finance Committee: Mr. Barretti pointed out that post-printing of the Finance Committee Report and Recommendations Booklet they noted some errors in the reported votes. The errors did not materially affect the outcome of those votes. The correct numbers will be given at the time the articles are discussed.*

**Motion: Michael Barretti, 54 Adams Street, Chair of the Advisory Finance Committee:** *I move that the Town vote to receive the reports of the various officers and committees and that the report of the Advisory Finance Committee be acted upon item by item under the various articles of the warrant.*

**VOTE: 155 in favor and 2 opposed. Motion carries.**

*At this point in the meeting, Moderator Arnold pointed out that as is the tradition having received the Town Reports, the dedication page be read. As part of what he said he noted that this year's Town Report is dedicated to Denny Drewry, Lynn Watts, and Donna Rene'. There was a moment of silence for the honorees.*

*Moderator Arnold then noted he received a request for an oral report and as such, he recognized Mark Silverberg, Chair of the Planning Board to make a brief oral addendum to their Planning Board report.*

**Mark Silverberg, 7 Weld Street, Member of the Planning Board:** Mr. Silverberg stated he asked for a few minutes to talk about the state of the Planning Department. With this, he said the Town Planner Jim Robbins is retiring next week. Mr. Silverberg said it is difficult to sum up a thirty-year career in just a few words, but made note of his accomplishments which include transforming Bay State Abrasives into Bay State Commons, the Transit Village Zoning that led directly to the Town's acquisition of Veterans Freedom Park. Mr. Silverberg said "I could spend hours talking about what Town Planner Robbins has done for this Town and the accomplishments he has: but said Jim is very modest and humble and he does not care about accolades or being in the limelight. Jim cares about zoning, traffic and parking. He cares about lighting and drainage. He cares about native species, wetlands and open space. He cares about Red Sox, fishing and his wife Nora. But most importantly, Jim cares about the Town of Westborough and the Town has benefited from that care for the past 30 years." Town meeting enthusiastically applauded the career of Town Planner Jim Robbins and he stood to be recognized.

**Michael Barretti, 54 Adams Street, Chair of the Advisory Finance Committee:** *The Advisory Finance Committee is pleased to report Westborough remains financially healthy. He acknowledged departments and committees and said their work and the support of fiscal management policies keep us in a good position.*

**Kristi Williams, Town Manager:** *Reported on behalf of the Select Board, the state of the Town by presenting the annual budget document. The budget document is available every year on the Town's website, [www.town.westborough.ma.us](http://www.town.westborough.ma.us) after December 31.*

## **ARTICLE 3: Prior Years Bills (Recreation Director)**

To see if the Town will vote to transfer from Country Club Retained Earnings the sum of One Hundred Ninety Dollars and Nine Cents (\$190.09) for the purpose of paying a prior year bill for costs incurred in FY2022 in the Recreation Department or take any other action thereon.

*Article Information – This article would appropriate the funds necessary to pay an outstanding bill in the Recreation Department to reimburse an employee for purchase of supplies. Payment of these bills require a Town Meeting vote because they are from previous fiscal years. The motion for this article requires a four-fifths vote.*

**Motion: Shelby Marshall, 7 Charles Street, Member of the Select Board:** *I move that the Town vote to transfer and appropriate from Country Club Retained Earnings the sum of \$190.09 for the purpose of paying a prior year bill for the Recreation Department.*

**VOTE: 185 in favor, 5 opposed. 4/5 vote. Motion carries.**

## **ARTICLE 4: Fiscal Year 2024 Operating Budgets (Advisory Finance Committee)**

To see what sums the Town will vote to raise and appropriate or transfer from available funds for the support of

the several offices, departments, boards and commissions of the Town of Westborough for Fiscal Year 2024 beginning July 1, 2023, and ending June 30, 2024, or take any other action thereon.

*Article Information – The Town budgets, including all expenses, are estimated to increase/decrease. The motion for this article requires a simple majority vote.*

Prior to the start of Article 4, Moderator Arnold explained he realized that by having the Finance Committee Chair read the initial part of the motion and then the moderator jumping straight into line item by line item there was not enough opportunity for voters to talk, in general, about the budget as a whole. There also was not an opportunity for people to question the transfers. This year he will have Mr. Barretti, on behalf of the Finance Committee, read the first part of the motion; Mr. Arnold will then see if anyone wants to question that, and it would be where people make brief remarks on the town budgets in general, or, on any of the specifics of the details that Mr. Barretti makes. There will be a discussion to motivate the vote. Then, there will be a line-by-line reading of the budgets so people can decide which items they want to question. Mr. Arnold feels it is fair and will accomplish the goals, which is to discuss the town budget as a whole and to discuss the line items and end up with a budget for next year.

**Motion: Michael Barretti, 54 Adams Street, Chair of the Advisory Finance Committee:** *I move that the Town vote to raise and appropriate such sums of money as may be necessary to defray the expenses of the several Town departments for the ensuing fiscal year and that each total read by the Moderator be considered a separate motion made for each of the line items making up that total in the column marked FY2024 AFC Recommended Budget; I further move that the sum of \$450,000 be transferred and appropriated from Free Cash to lower the tax rate; I further move that the sum of \$196,300 be transferred and appropriated from Free Cash, \$1,876 be transferred and appropriated from Water Retained Earnings, and \$1,824 be transferred and appropriated from Sewer Retained Earnings, and \$5,000 be transferred and appropriated from Country Club Retained Earnings for the purpose of funding the OPEB Trust Fund; I further move that the sum of \$2,452,379 be appropriated from the Capital Improvement Fund towards the costs of FY2024 Debt.*

Moderator Arnold asked if anyone wants to question Mr. Barretti's motion so far or talk about the budget in general. He said he will entertain questions either to the overall raise and appropriate sums of money for the town departments or the transfers read by Mr. Barretti.

Mike Mathew, 20 Andrews Road: Spoke about tax rates of the fifteen "dashboard towns" (dashboard town=in FY2019 representatives from the town and school met to identify comparison communities that could be used to measure financial and performance indicators). Westborough is the second highest per thousand of valuation and third from bottom in median household. He said we could control spending by becoming fiscally responsible by prioritizing needs vs wants.

Paula Less, 7 Blake Street: Commented she read the warrant articles very carefully and wherever there was the term "free cash" noting there is no such thing as free cash in that it comes from somewhere i.e. appropriated, put into the budget, and came from taxes to a certain line item. Ms. Less pointed out that out of free cash they are proposing transfer out \$5,995,398. On the articles being presented asking to spend more money adds to the bottom line \$8,785.81. She told town meeting you have to look at the real bottom line number and it gets lost in all the verbiage.

Dominic Capriole, 9 Crownridge Road: Talked about the process of looking back to go forward. Mr. Capriole went on to say this year's proposed tax levy is higher than last year and town meeting is the last place to change the budgets. He pointed out once the vote is taken, it will be history, if you do not speak now.

Paul George, 19 Robin Road: Said he has served this town for 40 years in various unpaid positions including 30 years on the Assabet School Committee. Last years' tax rate was devastating. Another 5.7-6% indicates to him the town does not want him to live here and finds it insulting and unreasonable to keep spending money with the guise of free cash. If we allocate money for something and it is not used, the money should be turned back to reduce the tax rate.

Moderator Arnold explained Mr. Barretti's motion is pending. His motion says every line read by the moderator will be a separate motion. Mr. Arnold will read through all the line items to be voted on; and then vote on Mr. Barretti's motion and the unquestioned line items all at once; and then address each of the other items independently. If anyone wants to have more discussion such as asking questions or advocating for a line item, just say "question" and he will note and come back to it.

Moderator Arnold read each budget item, one by one. The questioned budget lines were as follows:  
***Community Development, Salaries and Wages; Assabet Regional Vocational School expenses; Department of Public Works snow and ice expenses; Sanitary Landfill expenses; School Department***

*expenses.*

**VOTE: On all of the ‘unquestioned’ line items as read by Moderator Arnold and in the motion read by Michael Barretti, AFC Chair: 169 in favor and 39 opposed. Motion carries.**

*Moderator Arnold then moved on to address the questioned line items.*

**Question on Community Development, Salaries and Wages:**

Andrew Koenigsberg, 3 Smith Street, said he would like to see the Conservation Commission budget broken out. Moderator Arnold said there is no question on the amount and Mr. Koenigsberg is just clarifying the independence of the Conservation Commission. Mr. Arnold asked if someone from Town Hall to make a note to get Mr. Koenigsberg an amount.

**VOTE: On the unamended Community Development Salaries and Wages amount of \$757,003: 170 in favor, 41 opposed. Majority vote. Motion carries.**

**Question on Assabet Valley Regional Vocational School Budget:**

Dominic Capriole, 9 Crownridge Road, said the budget has a large increase of 27%. He asked to give the Assabet representative an opportunity to explain the substantial increase.

Paul George, 19 Robin Road, elected representative on the Assabet Valley Regional School Committee: Explained the DOR has decided the out of tuition line item, used to reduce the overall assessment, cannot be done anymore. Assabet has to meet the minimum school spending. The way that works is that every kid = money. More kids = more money. We had additional kids come from Westborough to Assabet and that increased the budget. Assabet is using the out of tuition money they have now to reduce operating expenses. The money is still being used to help reduce the budget but the actual assessment is determined by minimum school spending as determined by the Board of Education and the state and that is where the number came from.

**VOTE: On the unamended Assabet Valley Regional Vocational School Budget line item of \$1,124,454: 179 in favor, 32 opposed. Majority vote. Motion carries.**

**Question on DPW Snow and Ice Expenses:**

Paula Less, 7 Blake Street, had a question relative to the DPW’s allocations for the normal budget expenses. Ms. Less pointed out the DPW is asking to purchase a dump truck for \$265,000. Moderator Arnold explained her question is relative to line item K in a later article.

**VOTE: On the Department of Public Works Snow and Ice Expenses in the unamended amount of \$484,000: 188 in favor, 21 opposed. Majority vote. Motion carries.**

**Question on Sanitary Landfill Expenses:**

Dominic Capriole, 9 Crownridge Road, spoke about the “dump” and that using the facility is in jeopardy and is going to be more expensive. Mr. Capriole believes this termination can be somewhat modified if the people using it act responsibly and follow the rules. We need to act to help the people of Westborough. Moderator Arnold suggested people who want to influence the landfill should be in touch with the Solid Waste Management Task Force.

**VOTE: On the unamended amount for Sanitary Landfill of \$918,100: 166 in favor, 46 opposed. Majority vote. Motion carries.**

**Question on School Department Budget:**

Wilfred Savoie, 41 Chestnut Street, acknowledged the School Committee and School Administration for including additional information on wages and salaries by categories in their budget. He noted salaries and wages represent 83% of the school budget. He said the School Department really has an obligation to provide detailed information on salaries and wages just as any other department does. Going forward he suggested the School Department provide that additional information by cost and school. If the wages and salaries were shown by line items, it would provide the clarity and transparency needed for citizens to continue to support the schools. Mr. Savoie had a question on the student services section. He noted that all the line items have gone up, and, expenditures have gone up 15%. He asked if there are any additional changes in the salaries and wages in that particular cost section of the budget.

Amber Bock, Superintendent of Schools: To clarify, in the student services area (the umbrella under the

arena where we provide services to students with complex learning needs and a whole array of other aspects of student service). When someone moves in and requires a change of staffing in the middle of the year, and they qualify for an IEP, they are pushed into grants and then moved forward in the following budget year. Ms. Bock said they maintain about \$7 million worth of out-of-budget funding on grants and allocations from the state. Those are typically, where they would absorb any additional staffing changes.

Dominic Capriole, 9 Crownridge Road: ***Made a motion to amend the School Department’s requested amount to \$62,810,677.***

*Moderator Arnold asked Mr. Capriole if he is proposing an amendment to change the School Department line item to \$62,810,677 to which Mr. Capriole replied “correct”.*

Dominic Capriole went on to say last year the School Department was the only department that increased their budget at the Fall Town Meeting and it was by approximately 1.1%. He went on to say that facilitated this year’s comparison of the School Department’s budget percent change to be 4.1% which is close to the Town budget change. Mr. Capriole said the truth is that if you go from ATM to ATM, last year to this year, the School Department’s budget increase is 1.1% higher (5.2%). Mr. Capriole proposed the School Department have a true 4.1% increase by reducing it 1.1%. He said it does not represent less money for the School Department and they can do exactly what they did last year this year, this year. He said the School Department could ask for additional money if they need it at the fall town meeting.

Moderator Arnold said there are now two numbers, and, reminded the voters that we have a bylaw that when the motions vary only in the amount of money, the higher number gets voted on first. Mr. Arnold then said we now have a discussion about the school budget in general or discussion about advocating for or against the two numbers that will be before us and asked if anyone wanted to speak. He also asked going forward speakers state whether they are speaking for or against the article.

Ryan Condon, 53 Chestnut Street: Pointed out that the current inflation rate is 6% after last year’s 6.4%. A budget increase of 4.4% is still below the current inflation rate. Where 80% of the budget is going to salaries, don’t we want our teachers to at least keep up with the inflation rate?

Amber Bock, 10 Arch Street, Superintendent of Schools: Said six of the contracts have been settled and two are awaiting final votes. We need to appropriately pay our faculties to maintain the work they need to do in the schools. The settled contracts are built into the school budget presented. They will not return for any additional funds for any contracts in the fall. Ms. Bock said the change last fall was related to unexpected and unable to anticipate out-of-district tuition. They were exceptionally expensive but the school supported it for their mental health. Superintendent Bock said every year the budget is built based upon the needs of the current year.

Mark Silverberg, 7 Weld Street: Said he is in support of the original budget. He realizes the School Department budget is the largest part of the budget every year. The budget went through more levels of scrutiny than any other department’s budget. Looking for the rationale of why we would drop the budget by 1%? In addition, why are we isolating that department when other departments are around a 4% increase?

Dominic Capriole, 9 Crownridge Road: He explained the amount is a 4.1% increase over last year’s annual town meeting budget. It does not limit the money the School Department will receive this year. He said the change that occurred in the fall was advocated by School Committee Member Mr. Doret as a ‘desperate need’ for money at that time. Mr. Capriole feels this is not a desperate need that if not addressed at this time cannot be satisfied in the fall. It is an opportunity for the School Department to do a slightly better job. The 1.1% is the difference between last year’s annual town meeting budget and the final budget that was accrued after the fall town meeting.

Steve Doret, School Committee Chair: The school system has two goals and those are to spend as little as possible and provide best quality education for your children with the money voted at town meeting. The School Department came to town meeting in the fall because state raised costs. The additional costs had not been budgeted since it was caused by additional needs of where students had to go and new students that came into system and with special needs for which the town is obligated to pay the bill.

**VOTE: On the original motion made by the Advisory Finance Committee in the amount \$63,539,476 for the School Department Budget: 175 in favor, 74 opposed. Motion carries.**  
**ARTICLE 5: FY2023 Union Contracts**

To see if the Town will vote to transfer from Free Cash the sum of One Hundred Two Thousand Seventy-Five Dollars (\$102,075) and from Sewer Retained Earnings the sum of Eleven Thousand One Hundred Seventy-Six Dollars (\$11,176) and to transfer from Water Retained Earnings the sum of Eight

Thousand Eight Hundred and One Dollars (\$8,801), or such other amount as Town Meeting may approve to fund union contracts for FY2023 or take any other action thereon.

*Article Information – Approval of this article will fund union contracts that include FY2023 but were recently settled. The motion for this article requires a simple majority vote.*

**Motion: Allen Edinberg, 8 Nash Street, Member of the Select Board:** I move that the Town vote to transfer and appropriate from Free Cash the sum of \$102,075 and from Sewer Retained Earnings the sum of \$11,176 and from Water Retained Earnings the sum of \$8,801 for the purpose stated in the article as printed in the warrant.

Mr. Edinberg explained this article would fund the first year of the recently settled Clerical Union, Department of Public Works Union, and Police Patrol Union collective bargaining agreements. The contracts are effective from July 1, 2022 to June 30, 2025. Specifically, this article funds the following contractual increases in FY2023: a 2% cost of living adjustment for each union, the addition of Juneteenth as a paid holiday, and negotiated increases or additions to stipends and allowances.

**VOTE: 182 in favor, 32 opposed. Majority vote. Motion carries.**

**ARTICLE 6: FY2023 Legal Expenses Budget (Select Board)**

To see if the Town will vote to transfer from Free Cash the sum of Fifty Thousand Dollars (\$50,000) or such other amount as Town Meeting may approve for the purpose of paying the cost of legal services in FY2023, or take any other action thereon.

*Article Information – Legal expenses for FY2023 have exceeded the budgeted amount. The Advisory Finance Committee approved a reserve fund transfer of \$20,000 but this is not expected to cover estimated legal expenses for the remainder of the fiscal year. At this time, the Town is not anticipating the need for an increase to this budget in FY2024. The motion for this article requires a simple majority vote.*

**Motion: Patrick Welch, 15 Chauncy Circle, Member of the Select Board:** I move that the Town vote to transfer and appropriate from Free Cash the sum of \$50,000 for the purpose stated in the article as printed in the warrant.

Mr. Welch explained FY2023 included a number of unanticipated legal expenses including several lawsuits. The FY2023 budget for legal expenses was \$132,500. The Advisory Finance Committee transferred \$20,000 earlier. The town has expended \$140,000 for legal expenses though January 2023. Approval of article would increase the legal budget to fund anticipated legal expenses for the remainder of this fiscal year.

Paula Less, 7 Blake Street: Asked for an explanation about the lawsuits. Town Manager Kristi Williams gave a description of lawsuits pointing out they are put onto Select Board agendas and are therefore public record.

**VOTE: 210 in favor, 18 opposed. Motion carries. Majority vote.**

Town Moderator Arnold recognized **Carolyn Maksian, 260 East Main Street, who made a motion to move Article 39 up to be discussed and voted on between Article 12 and Article 13.** Mr. Arnold asked Ms. Maksian for her reason in accordance with the Town’s bylaw. Ms. Maksian said Article 39 addresses an issue that is critical and of great concern to parents of young children; and, as the last item on the agenda she is very concerned their voices will not be properly represented and the discussion and the vote, if it is held very late or on Monday night, would be unfair.

*Moderator Arnold said it has been proposed to take up a motion to move Article 39 to between Articles 12 and 13. Mr. Arnold said it take a 2/3 vote. He then opened discussion.*

Paula Less, 7 Blake Street: Said in the past years when an individual or group of people wanted to move an article that is at the end of the warrant and move it up because their committee or the people they felt if effected were here and they didn’t want to be inconvenienced to come back, it was always turned down. If people feel this article is of major concern they should stay for all the articles.

Kate Daly, 34 Upton Road: Spoke in favor of moving the motion forward.

Deb Boucher, 15 Byard Lane: Asked for clarification that the motion is to move the last article to after the library article.

Monique Allegretta, 13 Church Street: Asked why this article is so important to parents of young children that is must be moved up from the last article in the warrant. It might help to know for a better understanding whether or not to vote in favor of the motion.

Carolyn Maksian, 260 East Main Street: Explained Article 39 influences every aspect of our life.

John McGrath, 95 Bowman Street: Spoke in favor of moving the motion.

Mathiew Jerome, 20 Haskell Street: Asked for clarification that the Select Board are in favor of keeping the Climate Action Plan in place.

Helen Kay, 28 Ruggles Street: Spoke in favor of moving the article up.

**VOTE: 140 in favor, 101 opposed. Not a 2/3 vote. Motion fails.**

**ARTICLE 7: Funding Stabilization Reserve Account (Select Board)**

To see if the Town will vote to transfer from Free Cash the sum of One Million Eight Hundred Twenty-Two Thousand Forty-Seven Dollars (\$1,822,047), or such other amount as the Town Meeting may approve, to fund the Stabilization Account, or take any other action thereon.

*Article Information – This article would use Free Cash to increase the Stabilization Account in order to work toward the Town’s financial goals as described in the Town’s Comprehensive Fiscal Management Policy. The motion for this article requires a simple majority vote.*

**Motion: Allen Edinberg, 8 Nash Street, Member of the Select Board:** *I move that the Town vote to transfer and appropriate from Free Cash the sum of \$1,822,047 for the purpose stated in the article as printed in the warrant.*

Allen Edinberg, Select Board Member: The comprehensive fiscal management policy for the town states that the town should endeavor to have a free cash balance between 5% and 7.5% of the general fund; and, have a stabilization account that is between 5% and 7.5% of the general fund, with the two reserves having a combined balance of between 10% and 15% of the general fund operating budget. Approval of this article will result in the town reserves fund aligning with the fiscal management policies by funding stabilization at 4.74% and free cash at 7.81% of the general fund-operating budget (12.54% combined). These percentages assume all articles at this town meeting pass. He explained stabilization funds are generally reserved for emergencies and are considered rainy day funds. They require a 2/3 vote of town meeting to expend the funds. Free cash is generally reserved for one-time expenses and require a majority vote of town meeting to expend.

**VOTE: 206 in favor, 25 opposed. Majority vote. Motion carries.**

**ARTICLE 8: Regularly Recurring Articles (Town Manager)**

To see what action the Town may take on the following items, **A** through **E**, which may be voted as a block, or singly, or in any combination, but, however voted, will be treated for accounting purposes as if each item were voted as a separate article:

**A. Reserve Funds (Advisory Finance Committee)** To see if the Town will vote to transfer the sum of Two Hundred Fifty Thousand Dollars (\$250,000) or such other amount as the Town Meeting may approve, from Free Cash for the Finance Committee General Reserve Fund, transfer Twenty Thousand Dollars (\$20,000) or such other amount as the Town Meeting may approve, from Country Club Retained Earnings for the Country Club Reserve Fund, transfer Fifty Thousand Dollars (\$50,000) or such other amount as the Town Meeting may approve, from Water Retained Earnings for the Water Enterprise Reserve Fund, transfer Fifty Thousand Dollars (\$50,000) or such other amount as the Town Meeting may approve, from Sewer Retained Earnings for the Sewer Enterprise Reserve Fund, in accordance with Section 6 of Chapter 40 of the Massachusetts General Laws, or take any other action thereon.

*Article Information – These accounts provide funding for unforeseen expenses during the year through various reserve funds. The motion for this article requires a simple majority vote.*

**B. Re-Stocking Sandra Pond (Sandra Pond Wardens/Recreation Department)** To see if the Town will vote



to transfer from Free Cash the sum of Four Thousand Dollars (\$4,000), or such other amount as the Town Meeting may approve, to re-stock Sandra Pond, or take any other action thereon.

*Article Information – This article funds the fish re-stocking at Sandra Pond as the Town has done in the past. The motion for this article requires a simple majority vote.*

**C: Request and Approve a Cable TV Budget (Finance Director)**

To see if the Town will vote to appropriate and transfer from the Cable TV Enterprise Fund the sum of Two Hundred Fifty Thousand Dollars (\$250,000) for the purpose of funding the FY2024 Cable TV budget, or take any other action thereon.

*Article Information – This will allow the Town to fund Westborough TV's Fiscal Year 2024 Cable TV budget without impacting the taxpayer. The motion for this article requires a simple majority vote.*

**D: July 4<sup>th</sup> Block Party (Recreation)**

To see if the Town will vote to transfer from Free Cash the sum of Three Thousand Five Hundred Dollars (\$3,500), or such other amount as the Town Meeting may approve, for the annual July 4th celebration to be expended by the Westborough July 4th Committee under the direction of the Select Board, or take any other action thereon.

*Article Information – This article pays part of the cost for the annual July 4<sup>th</sup> celebration. The motion for this article requires a simple majority vote.*

**E: Hazardous Waste Day (Board of Health)**

To see if the Town will vote to raise and appropriate the sum of Twenty-Five Thousand Dollars (\$25,000), or such other amount as the Town Meeting may approve, for the annual Hazardous Waste Day, or take any other action thereon.

*Article Information – This article would fund the annual Hazardous Waste Day. This item was removed from the budget in FY2021 due to budget reductions related to COVID-19 but was funded through an Article in FY2023. We have now included the funding of this event in the Regularly Recurring Article. The motion for this article requires a simple majority vote.*

**Motion: Shelby Marshall, 7 Charles Street, Member of the Select Board:** *I move that the Town vote to approve Article 8, Sections A, B, C and D and that the Town vote to transfer and appropriate:*

- *\$250,000 from Free Cash, \$20,000 from Country Club Retained Earnings, \$50,000 from Water Retained Earnings, \$50,000 from Sewer Retained Earnings, for the purpose of Article 8A;*
- *\$4,000 from Free Cash for the purpose of Article 8B;*
- *\$250,000 from the Cable TV Enterprise Fund for the purpose of Article 8C;*
- *\$3,500 from Free Cash for the purpose of Article 8D, as printed in the warrant; and*
- *Raise and appropriate the sum of \$25,000 for the purpose of Article 8E, as printed in the warrant.*

Lisa Blazejewski, 2 Treetop Park. Made a **Point of Order**. She was making sure that there is a legitimate motion since ‘E’ is not mentioned in the first line. Moderator Arnold responded that he feels it is legit since the first sentence talks about transferring and appropriating and then the fifth bullet starts with ‘raising and appropriate’ and ‘E’ was only talked about in the fifth bullet because it is a separate source of funding (raise and appropriate).

Steve Hall, 22 Brewer Drive: Said the Hazardous Waste Day of \$25,000 seems cheap. Is the group looking at how we are transferring our waste in just over a years’ time have anything in agreement to deal with hazardous waste?  
Shelby Marshall, 7 Charles Street: Spoke as a member of the Waste Management Exploratory Committee and said all waste is being looked at.

Nathan Walsh, 3 Mathiew Drive, Board of Health Member: Said the handling of hazardous waste material is separate from the handling of normal trash. The Board of Health handles Hazardous Waste Days. It requires a separate company to come in and handle all of the potential hazardous waste generated in Westborough. During Covid, it was stopped and it created logistical problems, The town is trying to get it a part of regularly occurring expenses and that is why it is in Article 8. This will allow the Board of Health to handle the hazardous waste in Westborough.

Alan Ehrlich, 6 Garfield Drive, Board of Health Chair: Commented that the companies that deal with regular trash are not the same companies that deal with hazardous waste. There are different regulations and EPA implications and it will be handled as a separate endeavor from how the town deals with the rest of solid waste.

Gary Kessler, 20 Ruggles Street: Asked if in the future we should expect this to be part of the Board of Health budget as opposed to a separate line item in an article.

Dr. Ehrlich replied that this is the way it has been since he has been on the Board of Health.

Kristi Williams, Town Manager explained it is a part of the regularly recurring article and we do anticipate doing that in the future. She further explained that one of the benefits of that is any money left over from a fiscal year can be used in next fiscal year (the money stays with the program).  
Wilfred Savoy, 41 Chestnut Street: Requested the votes get taken singularly.

**VOTE: 8A: 208 in favor, 28 opposed. Majority vote. Motion carries.**  
**8B: 187 in favor, 38 opposed. Majority vote. Motion carries.**  
**8C: 217 in favor, 22 opposed. Majority vote. Motion carries.**  
**8D: 214 in favor, 32 opposed. Majority vote. Motion carries.**  
**8E: 212 in favor, 34 opposed. Majority vote. Motion carries.**

**ARTICLE 9: Small Business Grant Program (Economic Development Committee)**  
To see if the Town will vote to transfer from Free Cash the sum of Sixty Thousand Dollars (\$60,000), or such other amount as Town Meeting may approve, for the purpose of funding the Small Business Grant Program, including all costs incidental and related thereto, or take any other action thereon.

*Article Information – This article would fund the Small Business Grant Program that is administered by the Economic Development Committee. The motion for this article requires a simple majority vote.*

**Motion: Mark Zepf, 3 Stone Hill Road, Member of the Economic Development Committee:** *I move that the Town vote to transfer and appropriate from Free Cash the sum of \$60,000 for the purpose stated in the article as printed in the warrant.*

Fed Lonardo, Community Development Director: The point of this article is in 2019 the town started to appropriate monies to be used by the Economic Development Committee to give out small business grants. That money comes from fees that come from the electronic billboards. This will be a recurring article in the future.

Nathan Walsh, 3 Mathieu Drive: Pointed out that when the Economic Development Committee started, it was sold to the town as something that would not cost anything because it has its own external funding through the billboards. It now seems like the town has to pay for the Economic Development Committee and that this is not how it was sold to the town when the Economic Development Committee first started.

Fred Lonardo replied that the town brings in \$60,000 from electronic billboards and that that is the money still be used to fund the grant. Nothing has changed just the way the money is appropriated.

Kristi Williams, Town Manager: The Economic Development Committee does have a position, the Economic Development Coordinator and that position is funded through the budget. There are also some small expenses, all in the Community Development Department budget. This grant program has always been intended to be funded by the electronic billboards. The money now comes in to the general fund and so it would close out to free cash. We are not asking for more than we get for electronic billboard fees.

Michael Hyde, 42 Adams Street: Asked where we could learn more about the amounts receiving from the electronic billboards and how are those rates set?

Fred Lonardo replied the rates have been set at \$10,000 per face on a billboard. That is part of the agreement between the Town and the billboard company, Clear Channel.

**VOTE: 207 in favor, 34 opposed. Motion carries. Majority vote.**

**ARTICLE 10: Capital Improvement Plan (Town Manager/Capital Expenditure Planning Committee)**  
To see what action the Town may take on the following items, **A** through **P** which may be voted as a block, or singly, or in any combination, but however voted, will be treated for accounting purposes as if each item were voted as a separate article:

- A. Vehicle Replacement (Community Development)**  
To see if the Town will vote to transfer from Free Cash the sum of Forty-Three Thousand Dollars (\$43,000), or such other amount as Town Meeting may approve, for the purpose of purchasing and equipping a vehicle for the Community Development Department, including all costs incidental and related thereto, or take any other action thereon.

*Article Information - This request seeks to fund the replacement of a 2012 Ford Escape vehicle used by Community Development Department staff to conduct off-site inspections and perform field work. Originally handed down from the Police Department, the vehicle being replaced has become increasingly unreliable and expensive to maintain and repair. Purchasing an all- or four-wheel drive vehicle is important because inspections are performed in all weather conditions and access to job sites may require travel on unpaved surfaces and/or rough terrain. Replacement of the current vehicle with a hybrid model will result in significantly improved fuel economy and lower maintenance costs. The motion for this article requires a simple majority vote.*

**B. Security System Upgrades (Fire Department)**

To see if the Town will vote to transfer from Free Cash the sum of Ninety One Thousand Six Hundred and Eight Dollars (\$91,608), or such other amount as Town Meeting may approve, for the purpose of implementing security system improvements, including all costs incidental and related thereto, or take any other action thereon.

*Article Information – This request seeks funding to replace the security cameras and access control at the Westborough Fire Department. The Town has sought consultation from a security expert and determined that upgrading the existing system is necessary to protect critical infrastructure. The motion for this article requires a simple majority vote.*

**C. Diesel Exhaust System Replacement (Fire Department)**

To see if the Town will vote to transfer from Free Cash the sum of Ninety-Seven Thousand Dollars (\$97,000), or such other amount as Town Meeting may approve, for the purpose of replacing the diesel exhaust system, including all costs incidental and related thereto, or take any other action thereon.

*Article Information – This request seeks funding to replace the Fire Department's diesel exhaust removal system originally installed in 1999. This system was moved from the previous Fire Station to the current building. The system is activated each time a vehicle arrives or departs from the fire station's equipment bays-- approximately 75 times per day-- to capture harmful particulates discharged from apparatus exhaust systems. Replacing this equipment with more effective modern technology is critical to the health and safety of department personnel. The motion for this article requires a simple majority vote.*

**D. Information Technology Network Upgrade (Information Technology)**

To see if the Town will vote to transfer from Free Cash the sum of Thirty-Nine Thousand Five Hundred Dollars (\$39,500), or such other amount as Town Meeting may approve, for the purpose of network upgrades, including all costs incidental and related thereto, or take any other action thereon.

*Article Information - This request seeks funding to upgrade aging critical network infrastructure necessary to maintain the flow of internet traffic to Town facilities and to enhance essential security capabilities. The motion for this article requires a simple majority vote.*

**E. Information Technology Microsoft 365 Migration (Information Technology)**

To see if the Town will vote to transfer from Free Cash the sum of Fifty-Seven Thousand Five Hundred Dollars (\$57,500), or such other amount as Town Meeting may approve, for the purpose of Office 365 Migration, including all costs incidental and related thereto, or take any other action thereon.

*Article Information - This request seeks funding to migrate all existing email services to a single platform using Microsoft's Office 365. Currently the Town operates with a split domain using three different email services. Combining them will streamline email operations and provide additional security. The motion for this article requires a simple majority vote.*

**F. Information Technology Systems Infrastructure Update (Information Technology)**

To see if the Town will vote to transfer from Free Cash the sum of One Hundred Seventy-Five Thousand Dollars (\$175,000), or such other amount as Town Meeting may approve, for the purpose of Systems Infrastructure updates, including all costs incidental and related thereto, or

take any other action thereon.

*Article Information - This request seeks funding to upgrade existing servers and shared storage at the Town Hall, and to add shared storage and corresponding servers at the Police Department. The new hardware would support virtual hosts with enough capacity for all existing virtual servers and the conversion of any remaining physical servers to virtual servers. This would significantly reduce the footprint in each server room. The motion for this article requires a simple majority vote.*

**G. Purchase of Four Cruisers (Police Department)**

To see if the Town will vote to transfer from Free Cash the sum of Two Hundred Sixty-Five Thousand Dollars (\$265,000), or such other amount as Town Meeting may approve, for the purpose of purchasing four cruisers and associated equipment, including all costs incidental and related thereto, or take any other action thereon.

*Article Information – This request seeks to replace four (4) police cruisers in FY24. A regular replacement schedule improves the reliability of the fleet, reduces maintenance costs, and enhances officer safety. The department will, when possible, purchase hybrid vehicles. The motion for this article requires a simple majority vote.*

**H. Buildings and Grounds Capital Maintenance (DPW)**

To see if the Town will vote to transfer from Free Cash the sum of One Hundred Fifteen Thousand Dollars (\$115,000), or such other amount as Town Meeting may approve, for the purpose of repairs and improvements to municipal buildings and grounds, including all costs incidental and related thereto, or take any other action thereon.

*Article Information - This request funds necessary work at municipal buildings and grounds. The funds will be used to replace water-damaged flooring at the DPW office building, update the building management system at the Fire Department, install new controls for the vehicle access gate at the DPW, and purchase replacement batteries for building back-up generators. The motion for this article requires a simple majority vote*

**I. Replacement of Two Administrative Vehicles (DPW)**

To see if the Town will vote to transfer from Sewer Retained Earnings the sum of Twenty Thousand Dollars (\$20,000) and to transfer from Water Retained Earnings the sum of Twenty Thousand Dollars (\$20,000), or such other amount as Town Meeting may approve, for the purpose of purchasing and equipping two administrative vehicles, including all costs incidental and related thereto, or take any other action thereon.

*Article Information - This request seeks funding to replace two 2009 Ford Escapes with Hybrid all-wheel drive vehicles using retained earnings and insurance proceeds. These vehicles support the Assistant DPW Director and the Water/Sewer Operations Manager during year round all-weather operations in the field. At 15 years old at time of replacement, the current vehicles will be beyond their recommended useful life. One of the vehicles to be replaced is currently inoperable. The motion for this article requires a simple majority vote.*

**J. Wood Chipper Replacement (DPW)**

To see if the Town will vote to transfer from Free Cash the sum of Twenty Eight Thousand Three Hundred Thirty Three Dollars (\$28,333), transfer from Sewer Retained Earnings the sum of Twenty Eight Thousand Three Hundred Thirty Four Dollars (\$28,334), transfer from Water Retained Earnings the sum of Twenty Eight Thousand Three Hundred Thirty Three Dollars (\$28,333), or such other amount as Town Meeting may approve, for the purpose of replacing a wood chipper, including all costs incidental and related thereto, or take any other action thereon.

*Article Information - This request seeks funding to replace a 33 year old wood chipper. This piece of equipment is used every day to support vegetation management throughout the town. It frequently requires repairs, which cause delays to necessary work. The new chipper will be more efficient and will include better safety features. The motion for this article requires a simple majority vote.*

**K. Bucket Truck Replacement (DPW)**

To see if the Town will vote to transfer from Free Cash the sum of Fifty Six Thousand Six Hundred Sixty Seven Dollars (\$56,667), transfer from Sewer Retained Earnings the sum of Fifty Six Thousand Six Hundred Sixty Six Dollars (\$56,666), transfer from Water Retained Earnings the sum of Fifty Six Thousand Six Hundred Sixty Seven Dollars (\$56,667), or such other amount as Town Meeting may approve, for the purpose of replacing and equipping a bucket truck, including all costs incidental and related thereto, or take any other action thereon.

*Article Information - This request seeks funding to replace a 2004 Bucket Truck. The bucket truck is used to support work performed by the electrical division at sewer pump stations, water stations, various town buildings and street lights. The motion for this article requires a simple majority vote.*

**L. Six Wheel Dump Truck Replacement (DPW)**

To see if the Town will vote to transfer from Free Cash the sum of Two Hundred Sixty-Five Thousand Dollars (\$265,000), or such other amount as Town Meeting may approve, for the purpose of replacing and equipping a six-wheel dump truck, including all costs incidental and related thereto, or take any other action thereon.

*Article Information – This request seeks funding to replace a 24-year-old six-wheel dump truck used to haul material in support of roadway repairs, to treat roads to minimize ice and to conduct snow plowing operations. The motion for this article requires a simple majority vote.*

**M. Utility Tractor Replacement (Recreation Department)**

To see if the Town will vote to transfer from Country Club Retained Earnings the sum of Fifty Thousand Dollars (\$50,000), or such other amount as Town Meeting may approve, for the purpose of replacing and equipping a utility tractor, including all costs incidental and related thereto, or take any other action thereon.

*Article Information - This request seeks funding to replace a utility tractor that is used to support the maintenance of the golf course. This piece of equipment is used to load materials into other maintenance vehicles, grade soil, remove debris from the course and plow snow. At 30 years old, the current vehicle has become unreliable and replacement parts are unavailable. Having a reliable utility vehicle is essential to the maintenance of the golf course. The motion for this article requires a simple majority vote.*

**N. Mill Pond School Roof Restoration (School Department)**

To see if the Town will vote to transfer from Free Cash the sum of One Hundred Thirty-Two Thousand Dollars (\$132,000), or such other amount as Town Meeting may approve, for the purpose of roof restoration design for Mill Pond School, including all costs incidental and related thereto, or take any other action thereon.

*Article Information – This request seeks funding for the architectural design and engineering work necessary to develop a scope of work and cost estimate for roof restoration work at the The Mill Pond School. The current Mill Pond roof is 23+ years old and in need of restoration or repair. The motion for this article requires a simple majority vote.*

**O. Hastings School New Roof Design (School Department)**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of Five Hundred Four Thousand Dollars (\$504,000), or such other amount as Town Meeting may approve, for the Hastings School New Roof Design, including all costs incidental or related thereto, and to authorize the Town Treasurer, with the approval of the Select Board, to borrow said sum under M.G.L. Chapter 44, Section 7 or any other enabling authority and to issue bonds or notes of the Town therefor, and further to authorize the Select Board and appropriate Town officers to enter into all agreements and execute any and all instruments and to take all related actions necessary or appropriate to effect the foregoing, or take any other action thereon.

*Article Information – This request seeks funding for architectural design and engineering work needed to identify a scope of work, cost estimates and bid documents to replace 80,000 square feet of existing roof at the Hastings School. A new roof is necessary to address existing deficiencies of the almost 30-year old roof including failing seams, failing flashings, cracked*

*roof membrane and poor drainage conditions. The motion for this article requires a 2/3 vote.*

**P. Hastings School ADA Construction (School Department)**

To see if the Town will vote to amend the debt authorizations and reallocations of surplus funds approved by vote of the Town under Article 10 of the warrant at the October 2019 Town Meeting, which appropriated \$2,444,075 for the Hastings School HVAC Improvements project, and Article 10 of the warrant at the March 2022 Town Meeting which appropriated \$1,835,327 for the Hastings School HVAC Improvements project, to provide that the borrowing or reallocation of surplus funds authorized to meet the appropriations under such articles may also be used to pay costs of accessibility design and compliance improvements at Hastings School, including all costs incidental or related thereto, and further; to see if the Town will vote to appropriate a sum of money to pay costs of the design, construction, installation, upgrading, and/or replacement of the Hastings School HVAC system and the costs of accessibility design and compliance improvements at the Hastings Elementary School including all costs incidental or related thereto; to determine whether this amount shall be raised by taxation, borrowing, transfer from available funds, or otherwise provided; and further, to authorize the Select Board and any other appropriate Town officers to enter into all agreements and execute any and all instruments and to take all related actions necessary or appropriate to effect the foregoing, or take any other action thereon.

*Article Information –Approval of this article will allow the Town to use previously appropriated money and borrow additional money in order to improve the HVAC system and make accessibility improvements at the Hastings Elementary School. The motion for this article requires a 2/3 vote.*

**Motion: Ian Johnson, 9 Bertis Adams Way, Member of the Select Board:** *I move that the Town vote to approve Article 10, Sections A – N and that the Town vote to transfer and appropriate the following sums:*

- *\$43,000 from Free Cash for the purposes of Article 10A;*
- *\$91,608 from Free Cash for the purposes of Article 10B;*
- *\$97,000 from Free Cash for the purposes of Article 10C;*
- *\$39,500 from Free Cash for the purposes of Article 10D;*
- *\$57,500 from Free Cash for the purpose of Article 10E;*
- *\$175,000 from Free Cash for the purposes of Article 10F;*
- *\$265,000 from Free Cash for the purpose of Article 10G;*
- *\$115,000 from Free Cash for the purpose of Article 10H;*
- *\$20,000 from Sewer Retained Earnings, and \$20,000 from Water Retained Earnings, for the purpose of Article 10I;*
- *\$28,333 from Free Cash, \$28,334 from Sewer Retained Earnings, and \$28,333 from Water Retained Earnings, for the purpose of Article 10J;*
- *\$56,667 from Free Cash, \$56,666 from Sewer Retained Earnings, and \$56,667 from Water Retained Earnings, for the purpose of Article 10K;*
- *\$265,000 from Free Cash for the purpose of Article 10L*
- *\$50,000 from Country Club Retained Earnings for the purpose of Article 10M; and*
- *\$132,000 from Free Cash for the purpose of Article 10N, as printed in the warrant.*

*Simple majority vote required.*

Moderator Arnold asked Mr. Johnson if he wanted to read the motion for 10O and 10P or take them separately. Mr. Johnson replied he will do 10O and 10P separately.

Ian Johnson, Member of the Select Board: The fiscal year 2024 through fiscal year 2028 Capital Improvement Plan reflects the implementation of the Capital Planning Policy that identifies and includes all capital projects across all departments in Town for a five-year period. The implementation of this policy continues to include significant capital expenditures that were not historically included as part of the Town's capital planning process. The Town continues to fund the capital request per the comprehensive fiscal management policies, which in summary prescribes funding capital replacement at 1% to 1 1/2% of the General Fund Operating Budget. The plan presented today includes General Fund Capital Costs equaling 1.13% being funded through free cash.

Walter Leslie, Member of the Advisory Finance Committee: There is a correction on their report and recommendation on Article 10N on page 28. The recommendation in the booklet should have been the AFC would report at town meeting. Mr. Leslie said they voted 6-1-1 on March 23, 2023.

Wilfred Savoie, 43 Chestnut Street: Asked if each line could be voted individually because they each have a different purpose and a significant amount of money.

Moderator Arnold: asked if he wanted the record to record a vote for each one?

Wilfred Savoie: Replied yes.

Brendon Brodeur, 26 Church Street: Had a point of order and a **Motion to vote as a block on items A-N** in the first instance and, if they pass as a block, there would be no need to take individual votes.

Moderator Arnold said he would start through A-N so there is an opportunity to force the vote individually. He began and Wilfred Savoie questioned 0A, 10B, and 10C. Mr. Arnold asked Mr. Savoie if it is his intent to question all of the items. Mr. Savoie responded yes. Mr. Arnold went on to say all of the items have been questioned.

*Moderator Arnold asked if there are questions on 10A.*

Andrew Koenigsberg, 3 Smith Street: Asked if they are proposing to replace this 2012 vehicle with a brand new one. The existing vehicle was a handed down police cruiser. Later in the warrant looking to replace four police cruisers. He questioned why another hand me down police cruiser could not be given to the Economic Development Committee.

Fred Lonardo, Community Development Director: Said the idea through the capital plans for five years was to try to replace the aging vehicles with hybrid vehicle.

Boyd Conklin, 8 Water Street: Asked if on 10A, 10G, and 10I they are forcing hybrids on these departments because of better vehicle mileage. He commented that the cost of electricity is higher than the cost of gasoline so the mileage is none better. So said he would have them strike the forcing of hybrid vehicles in those three articles.

*Moderator Arnold pointed out that the articles are a transfer of free cash for the purpose of purchasing and equipping a vehicle. There is no directive for a hybrid.*

Jeff Lourie, Police Chief: Replied that is false relative to 10G for a savings, they are going with 2022's instead of 2023's, saving \$7,000 per vehicle, and that they are gas vehicles. They have seven hybrids and one all electric. They have seen a significant cost savings when data available, and, are still monitoring issues with hybrids. The cars they are replacing are pretty much junk. The K-9 vehicle is through homeland security and is out of service. When Homeland Security purchases that vehicle, it will be a gas vehicle.

Chris Payant, Director of Public Works: The town has historically passed down police vehicles but it is not free. Police vehicles must be configured through a dealer before being passed down to another department.

**VOTE on 10A: 194 in favor, 49 opposed. Majority vote. Motion carries.**

**VOTE on 10B: 198 in favor, 41 opposed. Majority vote. Motion carries.**

**VOTE on 10C: 217 in favor, 29 opposed Majority vote. Motion carries.**

**VOTE on 10D: 219 in favor, 27 opposed. Majority vote. Motion carries.**

**VOTE on 10E: 225 in favor, 24 opposed. Majority vote. Motion carries.**

**VOTE on 10F: 219 in favor, 26 opposed. Majority vote. Motion carries.**

**VOTE on 10G: 194 in favor, 51 opposed. Majority vote. Motion carries.**

**VOTE on 10H: 211 in favor, 29 opposed. Majority vote. Motion carries**

**VOTE on 10I: 218 in favor, 30 opposed. Majority vote. Motion carries.**

**VOTE on 10J: 220 in favor, 26 opposed. Majority vote. Motion carries.**

**VOTE on 10K: 208 in favor, 35 opposed. Majority vote. Motion carries.**

**VOTE on 10L: 213 in favor, 33 opposed. Majority vote. Motion carries.**

**VOTE on 10M: 210 in favor, 35 opposed. Majority vote. Motion carries.**

**Discussion 10N:**

Dominic Capriole, 9 Crownridge Road, said the request is not to replace roof. The request is for funding for the architectural design and engineering work necessary to develop a scope of work and cost estimate for roof replacement work. He noted this is a serious amount of money to figure out what cost of the roof will be; and, it does not pay for the roof.

Amber Bock, 10 Arch Street: Superintendent of Schools: Said the Mill Pond project is a restoration project. It helps to defer larger costs over time. The article is asking for the \$132,000, which is 12% of the estimated project cost, the total being approximately \$1.1 million.

Ian Johnson, 9 Betis Adams Street: Spoke as Select Board Representative on the Capital Planning Expenditure Committee commenting this request that came before the Capital Expenditures Planning Committee. This is a multi-step process but believes it is good fiscal policy to do it this way than to vote on a 'rough order of magnitude' that has wide variability especially in times like this where we are dealing with inflation costs.

Sophia Kogan, 26 Church Street: Commented planning ahead for massive projects is the fiscally responsible thing to do.

Steve Doret, 23 Mill Road: Spoke about how money gets into free cash. Leftover dollars in various account not spent and the school budget, based on what you voted this year would be returned to the town under Chapter 70 money, which is on the Cherry Sheet, comes back into the town and goes into free cash. The money comes from a return from what you voted on the school budget. The only way to get a fixed price bid is to have an engineer put together all the documents and then go out to bid.

Kathy Cavaliere, 16 Samuel Harrington Road: Noted that the Advisory Finance Committee's vote was 6-1-1; and, she asked if anyone on the committee wanted to share any reservations they have on this project.

Michael Barrette, 54 Adams Street, Finance Committee Chair, said the member who voted against the article is not here. The public can access the minutes to see the discussion centered around this article and can access the Westborough TV site to watch the discussion.

Paula Less, 9 Blake Street: Commented Mr. Doret could not be more right about having to move quickly to get estimated for projects of this magnitude. The longer we wait the more the product goes up because there is less availability and there are many projects across the country being done. However, the superintendent said in her presentation the \$132,000 was going to be the cost of replacement of the roof but in fact, it is not. It is only for the design and recommendations as to what the roof will cost; and, will they be held accountable to keep to cost?

Steve Doret, 23 Mill Road: Replied the only way to force the cost of these projects to be a fixed price is to go out to bid, get the bid, and under state bidding laws we then write a contract that says that is what it is going to cost. In addition, the only way to do that is to do the engineering. You cannot do this magnitude of work without a fixed price contract and expect it to come in at that cost.

Ian Johnson, 9 Bertis Adams Way: Pointed out Superintendent Bock said, this number for the roof renovation is roughly 12% of the overall cost and she mentioned \$1.1-\$1.2 million should be the expectation.

Tom Wolfe, 11 Stagecoach Circle: Said there is no actual work being done and just to ascertain the cost. Why is it so expensive when there is an existing roof? Why is it so expensive when it is just for the design?

Amber Bock, Superintendent of Schools: Explained the cost of roofing is astronomical. We used a 12% of what was given for the anticipated cost of the sealcoating. She said we are looking at a cost of about \$1.1 million to do the sealcoat process; and, it will give us about twenty more years on this roof.

Janet Anderson, 7 Chauncy Street: **Moved the question.**

*Moderator Arnold said Ms. Anderson moved the question, the purpose of which will terminate debate. This will take a 2/3 vote.*



**VOTE to terminate debate on 10N: 210 in favor, 62 opposed. 2/3 vote. Debate is terminated.**

**VOTE: on Article 10N: 222 in favor, 48 opposed. Majority vote. Motion carries.**

**Article 100 Motion: Ian Johnson, 9 Bertis Adams Way, Select Board Member:** *I move that the Town vote that the sum of Five Hundred Four Thousand Dollars (\$504,000) is appropriated for the Hastings School New Roof Design, including all costs incidental or related thereto; that to meet this appropriation, the Treasurer with the approval of the Select Board is authorized to borrow the sum of Five Hundred Four Thousand Dollars (\$504,000) under G.L. c.44 §7(7) or any other enabling authority; and that the Select Board is authorized to take any other action necessary to carry out this project. 2/3 Vote Required.*

Walter Leslie, Advisory Finance Committee Vice Chair: The Finance Committee Booklet Article 100 on page 29 shows a vote of 8-0-0 and it should have said a report would be given at town meeting. The AFC voted this on March 23, 2023, the vote being 7-1-0 recommending the town support this article.

Amber Bock, Superintendent of Schools, gave recognition to the Capital Committee as it looks to fiscal responsibility and the work they have done to look at these projects and to weigh them out so we can keep all of our municipal buildings functioning has been impressive. This article seeks architectural and design engineering to do the design for the full replacement of the Hastings roof. It is a 12% estimate of the anticipated total cost. It is an 80,000 sq. ft. roof. The warranty of the new roof will be 40 years; and, the life expectancy 50 years. The Hastings School roof is well beyond anything we can do to maintain it.

Joe Considine, 10 Smith Street: Spoke in favor of the article pointing out Hastings is the oldest of the three elementary schools and this project is essential as the roof is leaking.

Nathan Walsh, 3 Mathieu Drive: Commented a good project requires good design. He said that in his lifetime when looking at contracting out versus hiring full-time, it becomes clear that contracting out costs more than inside the organization. For short-term projects contracting out makes sense. Here with the number of articles, it seems like there might be an opportunity for a full-time employee. He asked that if the town considered hiring an engineer and if so, who was involved with that discussion. Second question is have we considered putting on solar panels and is that part of this design process?

Steve Doret, 23 Mill Road: Replied saying the town does not have the engineering staff capable of doing it. What the Town does is hire the best engineering company and review a few of them to make sure they have the qualifications. The most important part is the engineering liability involved with a good or poor design. If it was internal, staff and we got the "low price" what happens if roof fails. You cannot sue your own employee. It is not a bid process with the engineer itself but a competitive process to pick the right person. Under the state's bid law program we have to have more than likely an owner's project manager for support in day-to-day oversight. They would like to get a firm price bid. As far a solar, part of the overall project is using the roof for solar. Certain modifications to the roof would be necessary.

Ed Bain, 5 Thomas Rice Drive: Asked what are the terms on the borrow?

Leah Talbot, Finance Director: Answered the design is a borrow that can only be for 5 years. Once it is rolled into a construction, it is a 20 year borrow. Right now, we are still using the 4 1/2 percent. The Town just did a borrow and received a 3.04 on a short-term and a 3.04 on a long-term. As long as we do the project, the design cost will be rolled into the construction.

Suzanne Petri, 18 Wheeler Road: Asked what the life of Hastings is. If the Town puts on a 50-year roof, does the building have 50 years left of life?

Amber Bock, Superintendent of Schools: Hastings has good bones and good steel infrastructure, it has been assessed and looked at, and yes, has good life left. Superintendent Bock went on to say the space is good, it is a viable building and will be advantageous to do the repairs and move forward.

Gerry, McCullough, 27 Overlook Drive: Asked what the warranty on the current roof is.

Amber Bock, Superintendent of Schools: The Hastings roof is 27 years old and past warranty. We actively repair school roofs and take very good care of them. It simply is that the roof is past its life it is not repairable.

Felicia Vaytsman, 27 West Street: **Made a motion to terminate the debate.**

*Moderator Arnold said a motion has been made to terminate debate. It requires a 2/3 vote.*

**VOTE: 227 in favor, 39 opposed. 2/3 vote. Debate terminated.**

*Moderator Arnold said now action goes on the motion read by Ian Johnson on 100. Requires a 2/3 vote.*

**VOTE on 100: 222 in favor, 48 opposed. 2/3 vote. Motion carries.**

**Article 10P Motion: Ian Johnson, 9 Bertis Adams Way, Member of the Select Board:** *I move to pass over this article. Simple majority required.*

Walter Leslie, Advisory Finance Committee Vice Chair: Reported a typo in the Finance Committee Booklet on page 29. At their meeting on March 23, 2023, the Finance Committee voted to recommend passing over Article 10P by a vote of 7-0-0.

Ian Johnson, Select Board Chair: The Finance Committee Booklet said the Select Board would vote on this article before the meeting. Mr. Johnson said the Select Board voted this morning to recommend supporting the recommendation to pass over with a vote of 4-0.

Amber Bock, Superintendent of Schools: Explained the plan to pass over this article is in they will take design and go out to bid and come back with a fixed number and ready to award. We know when we appropriate the funds they have the capacity to successfully complete the jobs. They went out to bid but were missing several subcontractor bids they were unable to get a strong biddable number and therefore, pulled the article.

**VOTE: 229 in favor, 9 opposed. Motion carries.**

#### **ARTICLE 11: Multi-Use Trail Design (Select Board)**

To see if the Town will vote to transfer from Free Cash the sum of One Hundred Ten Thousand Dollars (\$110,000), or such other amount the Town Meeting may approve, to fund design of a portion of the Boston Worcester Airline Trail, including all costs incidental and related thereto, or take any other action thereon.

*Article Information – Approval of this article would fund trail design for the Boston Worcester Airline Trail (BWALT). The Town is currently pursuing a state grant that would fund 80% of the estimated cost of 25% design for Section 2 of the BWALT. Section 1 of the trail will be constructed as part of the Otis Street Corridor project. The motion for this article requires a simple majority vote.*

**Motion: Shelby Marshall, 7 Charles Street, Member of the Select Board:** *I move that the Town vote to transfer and appropriate from Free Cash the sum of \$110,000 for the purpose stated in the article as printed in the warrant. Simple majority required.*

Jim Robbins, Town Planner: This article will fund the BWALT (Boston Worcester Airline Trail). This is not a new project. The article enables the Town to apply for a grant, which will fund 80% of the design cost. The 2018 strategic plan identified trail as a high priority. State funding is paying section 1 of the trail. They are looking for funding for phase 2. The feasibility study estimates the total cost of the entire trail (6 sections) to be approximately \$24 million. Funding for this trail is proposed to come largely through alternative funding sources. There is also section of the trail that has been funded privately through a development firm.

Janet Anderson, 7 Chauncy Street: Spoke in favor of the article urging everyone vote for this article pointing out it is inexpensive and a positive addition to our community.

Bob Haley, 12 Butterfield Drive: Spoke in opposition saying this because this will require eminent domain, which he feels, is unfair; and the grants are not free money. They come out of state and federal taxes.

Allen Edinberg, Select Board Member: Explained this section of the trail there is no eminent domain involved or necessary. In addition, the money from Mass trails is coming from state funds. All of our taxes statewide go into it and are available for us to use. If we turn down the grant that money will be sent to other communities who will

benefit from those funds.

Ellen Gugel, 84 Fisher Street: Said she is the Chair of the Active Transportation and Safety Committee, which is where this emerged. Coordinated researched mass trails grant. This section to be built is going to connect Westmeadow Plaza with the MBTA commuter rail station. It will also serve many apartment complexes, about 1,300 households.

Andy Koenigsberg, 3 Smith Street: Said he wished the town would pay as much attention to life threatening bike and safety issues as BWALT to improve bicycle and pedestrian safety.

**VOTE: 219 in favor, 33 opposed. Majority vote. Motion carries.**

#### **ARTICLE 12: Library Building Improvements and Design (Library)**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of Three Hundred Sixty Thousand Four Hundred Fifty-Nine Dollars (\$360,459), or such other amount as Town Meeting may approve, to fund building study and design costs for repairs to the Westborough Public Library, including all costs incidental and related thereto, or take any other action thereon.

*Article Information – This article would fund schematic design for library repairs. If approved, we would begin work on the needs assessment/schematic design and preliminary cost estimate and come back to a future Town Meeting for appropriation to fund Design Development, cost estimating, and the preparation of bid documents. The motion for this article requires a 2/3 vote.*

**Motion: Bob Petrucelli, 6 Frances Drive:** *I move that the Town vote that the sum of Three Hundred Sixty Thousand Four Hundred Fifty-Nine Dollars (\$360,459) is appropriated to fund building study and design costs for repairs to the Westborough Public Library, including all costs incidental and related thereto; that to meet this appropriation, the Treasurer with the approval of the Select Board is authorized to borrow the sum of Three Hundred Sixty Thousand Four Hundred Fifty-Nine Dollars (\$360,459) under G.L. c.44, §7(7) or any other enabling authority; and that the Select Board is authorized to take any other action necessary to carry out this project.*

Bob Petrocelli, 6 Frances Drive, Library Building Committee Vice Chair: They are here seeking funds for the repair project of the Westborough Public Library for a number of issues. Seeking fund for the design work to address these issues. This article is the first process to repair and use what we currently have. This is a repair project only and will take place in three phases. It will involve doing all of the necessary repairs. Seeking funds for 1<sup>st</sup> phase, which is a study, schematic design, and preliminary cost estimate. It will take 7-10 months. The 2<sup>nd</sup> phase of funding will be for a detailed design, bid documents and a solid cost. This design development phase will take about a year. The third and final phase will be to seek funds to do the actual work. This project is only going to make repairs to the existing building; and, will not be expanding the square footage or increasing the footprint.

Boyd Conklin, 8 Water Street: Said we could spend \$800,000 over 3 years and not trigger the ADA Requirements. In addition, looking at the estimates this is not a repair work but replacing gas fire systems with electric systems.

Katelyn Durfee, 29 Wayside Road: Spoke in opposition and explained why she cannot support the library project as she feels there is an issue of higher priority. A point of order was called. Moderator Arnold addressed that with the speaker. He went on to say if a person wants to make a point for not supporting the library is because of some of what the library does then that is one way they can say why they do or do not support it. It is up for us to decide and to listen to peoples reasons why they are for or against. Mr. Durfee went on to further explain why she is against the article and said at a minimum let us move books with sexual content away from displays in the children's room and then we can talk about removing the old carpet and windows.

Linda Birch, 1 Essex Way: Asked what the library is going to do about parking. The Congregational Church Parking lot will not be available for library patrons.

Mary Johnson, 5 Sandra Pond Road, Library Board of Trustees Chair: Said there is not a parking problem based on the parking study. The library has never had its own parking lot and rely on the spaces downtown.

Josh Kaushansky, 2 Irving Street: Spoke in favor of the article saying he was at the October and December town meetings where this was discussed and were told that by not doing so would require a future renovation or repair that would trigger ADA compliance. Coming back is true and consistent and showcases this was foreseeable we should agree to fund it.

Joshua Gordon, 33 West Street: Spoke in favor of the article and supports the funding. He thinks every town needs a library for as a resource for those residents who do not have internet access or a book collection of their own.

Paula Less, 7 Blake Street: Pointed out a number of years ago the library came to the town and asked for the same thing, a study to be done on what needed to be repaired on the building. It was granted, the study was done and town funded the repairs. The library turned the money back to the town and did not make any of the repairs. Where is the social responsibility to turn back the money? She said they were given the money before, took it, gave it back, and asked why?

Mary Johnston, 5 Sandra Pond Road: Said it is a matter of timing as to why the library did not proceed with the repairs. At time, those monies were asked for the State of MA Library Board of Commissioners made it aware they were presenting construction grants. Therefore, the Library Trustees decided to put repairs on hold and voted to explore grants to see if they could offset those costs. The library was accepted into that program and the town voted they wanted to go through with that grant process, which kept those repairs on hold because, would not repair something that could be torn down during a construction process and expecting that it would be awarded in a much shorter time. It is unfortunate that they were on the wait list longer than anticipated. Covid then increased the cost of repairs and delayed the process even further, which is why those repairs did not happen. Then after Covid affected the Town, the Town asked all boards that were holding onto monies from articles to assess whether or not still needed it or return to the Town.

David Vensel, 8 Morse Street: Spoke in support of this article. He thinks we should at least have a renovated library that is accessible to everybody and is safe and nice for people working there.

Maureen Amyot, Library Director: Spoke about the 2016 study and said all the funds that were used were for a previous project. The architect and OPM will be uses pieces of those if this article is funded. However, there was no in depth study of the 1980 addition since that was expected to be torn down. The studies done at that phase of the project were paid for entirely by library trust funds, not taxpayer money.

Tasneem Lalani, 1 Thistle Hill Lane: Said the library should be a place teens go to learn together and for people to congregate. There is no place to congregate and that this project is “for us”.

Sophia Kogan, 26 Church Street: Spoke in favor of motion and feels it is embarrassing we have a library that is not accessible to all residents of this town in 2023.

Tom Johnston, 5 Sandra Pond Road: Said he is in favor of the article. The building needs to be repaired and it is mean spirited to not want to bring the building up to electrical codes and safe and to not trigger ADA compliance.

Felicia Vaytsman, 27 West Street: **Made a motion to terminate debate.**

**VOTE to Terminate Debate: 230 in favor, 30 opposed. 2/3 vote. Debate is terminated.**

*Moderator Arnold said we turn to vote on Mr. Petrocelli’s motion.*

**VOTE: 239 in favor, 46 opposed. 2/3 vote. Motion carries.**

### **ARTICLE 13: Security Cameras (Police Department)**

To see if the Town will vote to transfer from Free Cash the sum of Eleven Thousand Five Hundred Eighty-Four Dollars (\$11,584), or such other amount the Town Meeting may approve, to install security cameras in the Police Department, including all costs incidental and related thereto, or take any other action thereon.

*Article Information – During the Police Department’s Accreditation Assessment, the assessors recommended that cameras be added for security coverage of the evidence area. This article is intended to fund three (3) cameras in the evidence area and one (1) camera in the carport for additional exterior coverage. The motion for this article requires a simple majority vote.*

**Motion: Ian Johnson, 9 Bertis Adams Way, Member of the Select Board: I move that the Town vote to pass over this article.**

Jeff Laurie, Police Chief: This is needed equipment. The Police Foundation is funding it and thanked them for their overwhelming support and hard work.

**VOTE: 178 in favor, 4 opposed. Motion is Passed Over.**

**ARTICLE 14: Haskell Street Tennis/Basketball Court lights (Recreation Department)**

To see if the Town will vote to transfer from Free Cash the sum of Ten Thousand Dollars (\$10,000), or such other amount the Town Meeting may approve, to replace the lights at Haskell St. tennis and basketball courts, including all costs incidental and related thereto, or take any other action thereon.

*Article Information – This funding will allow the Recreation Department to replace the lights at the Haskell Street tennis and basketball courts with LED energy efficient lights. The motion for this article requires a simple majority vote.*

**Motion: Katie Welch, 50 O’Neil Drive, Member of the Recreation Commission:** *I move that the Town vote to transfer and appropriate from Free Cash the sum of \$10,000 for the purpose stated in the article as printed in the warrant.*

Jen Kirkland, Recreation Director: Two lights at the Haskell tennis courts need to be replaced. There are four total lights and all are over thirty years old. All four of them will be replaced with LED energy efficient ones.

**VOTE: 169 in favor, 17 opposed. Majority vote. Motion carries.**

**ARTICLE 15: Department of Revenue Certification Revaluation (Board of Assessors)**

To see if the Town *will* vote to transfer from Free Cash the sum of Thirty Thousand Dollars (\$30,000), or such other amount as Town Meeting may approve, for the purpose of funding the required Department of Revenue certification revaluation of the Town and subsequent interim valuation adjustments, or take any other action thereon.

*Article Information – This appropriation would fund the revaluation certification required by the Department of Revenue that the Board of Assessors needs to undertake every five years as well as interim valuation adjustments. The motion for this article is a simple majority vote.*

**Motion: Mark Silverberg, 7 Weld Street, Member of the Board of Assessors:** *I move that the Town vote to transfer and appropriate from Free Cash the sum of \$30,000 for the purpose stated in the article as printed in the warrant.*

Jonathan Steinberg, Chief Assessor: Every 5 years’ state law requires a complete recertification of the Town and it is done with the help of consultants.

**VOTE: 152 in favor, 16 opposed. Majority vote. Motion carries.**

**ARTICLE 16: Hocomonco Pond Property Access (Hocomonco Pond Reuse Committee)**

To see if the Town will vote to transfer from Free Cash a sum of money to create public access to the Hocomonco Pond property, including all costs incidental and related thereto, or take any other action thereon.

*Article Information – Approval of this article will provide funding to the Hocomonco Pond Reuse Committee to continue their work. The motion for this article **requires a simple majority vote.***

**Motion: Andrew Koenigsberg, 3 Smith Street, Member of the Hocomonco Pond Reuse Committee:** *I move that the Town vote to transfer and appropriate from Free Cash the sum of \$30,820 for the purpose stated in the article as printed in the warrant.*

Walter Leslie, Advisory Finance Committee Vice Chair: The Finance Committee Recommendations Booklet says for Article 16 they voted in favor 8-0-0. The actual vote was 7-0-1 (abstained).

Patrick Welch, Select Board Member: The Select Board voted before Town Meeting in support of this Article 4-0.

Andrew Koenigsberg, 3 Smith Street: Speaking on behalf of the Hocomonco Pond Access Plan

Implementation Committee. He explained this article is to fund part of the planning required prior to opening the site to the public. It was the location of a former creosote wood treatment facility. The committee recommendation is to create public access or passive use, limited to walking trails, which will have the least impact on the property. The requested funds will be used to hire an engineering firm to meet the regulatory requirements. The committee is in the process of pursuing additional sources of funding.

Ed Baldwin, 25 Mt. Pleasant Street: Asked if the dispatch center going onto this site.

Patrick Purcell, Fire Chief: Replied Westborough has been engaged studying regionalization of the Public Safety Communications Center also known as the 911 Center. We have engaged with an inter-municipal agreement with the towns of Grafton and Southborough and have applied for state funding to the tune of about \$13 million to rehabilitate the vacated building on the site and merge dispatch centers from Westborough, Southborough and Grafton into one unified control point. An annual assessment would be given to each town involved.

Anna Kung, 14 Cortland Drive: Said she has concerns about the hazardous waste site in that will a building on a previous former hazardous waste site be safe for the workers.

Fire Chief Purcell: The majority of the contamination is in the creosote at the bottom of Hoccomoco Pond. We will continue to test. There is no contamination in building or in the earth below the building.

**VOTE: 157 in favor, 29 opposed. Majority vote. Motion carries.**

#### **ARTICLE 17: Flashing Crosswalk Signage (Select Board)**

To see if the Town will vote to transfer from free cash and appropriate the sum of Fourteen Thousand Dollars (\$14,000), or such other amount as Town Meeting may approve, for the purpose of purchasing and installing rapid flashing beacon crosswalk safety signs to be installed on West Main Street between the Rotary and the Forbes Municipal Building at specific location(s) to be determined by the DPW Director, or take any other action thereon.

*Article Information – Approval of this article will provide funding to purchase one additional set of flashing crosswalk signs to be installed on West Main Street. The DPW Director, in review of the Road Safety Audit conducted in 2016, will recommend whether or not to place the signs at the existing crosswalk or at an alternative location to replace the current crosswalk. The motion for this article requires a simple majority vote.*

**Motion: Patrick Welch, 15 Chauncy Circle, Member of the Select Board:** *I move that the Town vote to transfer and appropriate from Free Cash the sum of \$14,000 for the purpose stated in the article as printed in the warrant.*

Patrick Welch: A resident made a request to the Select Board to install flashing crosswalks signs on West Main Street following an incident where an individual was hit by a car while crossing the street. Approval of this article will fund the purchase of flashing signs and limits the installation area to West Main Street between the rotary and the Forbes Municipal Building. The DPW Director will determine the specific location.

Laura Shiffman, 22 Old Colony Drive: Explained her son was hit by car at the rotary on January 5<sup>th</sup>. She is asking to install flashing crosswalk signs to make the rotary a little safer.

**VOTE: 177 in favor, 16 opposed. Majority vote. Motion carries.**

#### **ARTICLE 18: Town Website Upgrade (Select Board)**

To see if the Town will vote to transfer from Free Cash the sum of Fifty Thousand Dollars (\$50,000), or such other amount the Town Meeting may approve, to upgrade and improve the Town website, including all costs incidental and related thereto, or take any other action thereon.

*Article Information – Approval of this article will allow the Town to upgrade the Town website and improve its use as a communication tool. The motion for this article requires a simple majority vote.*

**Motion: Allen Edinberg, 8 Nash Street, Member of the Select Board:** *I move that the Town vote to transfer and appropriate from Free Cash the sum of \$48,650 for the purpose stated in the article as printed in the warrant.*

Mark Stockman, IT Director: Explained the Town Website is currently the Town's primary communication tool. There are 300,000 visits per year. It is available 24/7 with a 99.9% uptime. The last time we upgraded was six years ago. We have been with Civic Plus for about twenty years. It has a significant market share in Massachusetts. Upgrading the Town's website supports communications plan.

Michael Karp, 11 Peters Farm Way: Suggested that when Mr. Stockman reviews what Civic Plus gives him to have somebody on the review committee who has a background in human factors so that we can expect significant improvements in user experience.

**VOTE: 159 in favor, 16 opposed. Majority vote. Motion carries.**

**ARTICLE 19: Transfer to Affordable Housing Trust Fund (Affordable Housing Trust)**

To see if the Town will vote to transfer the sum of Six Hundred One Thousand Five Hundred Six Dollars (\$601,506) funds from the Stabilization Fund (Mitigation) to the Westborough Affordable Housing Trust, or take any other action thereon.

*Article Information – The Special Permit issued on 9/14/2018 to Pulte Homes New England, LLC ("Pulte") by the Planning Board for the Town of Westborough for the Del Webb Chauncy Lake, includes a provision that requires Pulte Homes to contribute \$400,000 to the Town if it does not construct a minimum of 25 affordable units after three years. The provision further requires annual payment of \$200,000 each year for the following five years of the project. This money is designated for construction of affordable housing by the Town. Since Pulte did not construct the required affordable units prior to 9/24/2021, Pulte has made these payments to the Town of Westborough Stabilization Fund (Mitigation) totaling \$600,000 in compliance with the Special Permit. This article transfers these funds from the general mitigation fund stabilization fund to the Westborough Affordable Housing Trust Fund. The Westborough Affordable Housing Trust will hold and use these funds for the construction of Affordable Housing. The motion for this article requires a two-thirds vote.*

**Motion: Edward Behn, 5 Thomas Rice Drive, Member of the Westborough Affordable Housing Trust:** *I move that the Town vote to transfer and appropriate from the Stabilization Fund (Mitigation) the sum of \$602,013.58 to the Affordable Housing Trust.*

Ed Behn: Explained Pulte Homes was granted a Special Permit that required mitigation of either: Building 25 units of affordable housing within 3 years; or, pay the town a total of \$1.4 million to be used solely for the construction of affordable housing. The mitigation schedule was to be \$400,000 on a 3-year deadline followed by \$200,000 annually for 5 years. If construction is ahead of schedule, any balance would be due before the Town would issue the building permit for the final building. Per the Special Permit, this money was to be designated for the construction of affordable housing and deposited in a separate Town account established for this purpose. Mr. Behn pointed out Pulte chose to pay the mitigation money. The Town has received \$600,000 to date plus interest earned. The funds are currently in Stabilization Account/Fund. Mr. Behn said they are looking to transfer the funds to the Affordable Housing Trust to meet the Town's obligation per the special permit. The Trust will hold these funds for creating affordable housing.

*Moderator Arnold said that because this is a transfer out of a stabilization fund the vote requires a 2/3 vote.*

Boyd Conklin, 8 Water Street: This gives the Affordable Housing Trust the ability to build units without any town approval process with only the Select Board's buy-in. Mr. Conklin said to vote no.

Brenden Brodeur, 26 Church Street: Is the vote an accounting matter or are we voting to approve an affordable housing project at a specific location?

Mr. Behn: replied no and said it is transfer, which is required by law to put the funds in the Trust.

Mr. Brodeur thanked Mr. Behn for the explanation and said he supports the motion.

Dominic Capriole, 9 Crownridge Road: Said it is unfortunate we have no choice than to move this money from the stabilization fund to the Affordable Housing Trust Fund. He cautioned against spending the money. If two identical houses, one is affordable housing, not only does the person get the house for half the price they also pay half the taxes in perpetuity. That is a burden carried by the market rate-population housing. In addition, we do not have to build affordable housing since Westborough is above the 10% threshold for Affordable Housing in

Massachusetts. He also called attention to the Sharp Building. The State of Massachusetts at their own expense is going to build affordable housing for the Town of Westborough by renovating that building and place twenty families. Edward Behn responded that it is for homeless families that need immediate housing. The Town is going to have plenty of affordable housing at the State's expense.

Allen Edinberg, Member of the Select Board: The emergency shelter the state is outfitting on Lyman Street is not considered affordable housing. It is part of the social services the state provides and it does not count towards our subsidized housing inventory. He said Mr. Capriole is correct in that our inventory of subsidized housing is above the 10% threshold. It is a legal threshold. It is currently estimated we are at 11.2%. Mr. Edinberg said that while there is not an immediate need, there is a need for the town to continue its commitment to maintain subsidized housing and an inventory of affordable housing and these projects take time. The transfer of the funds is meeting legal obligation under the special permit. The money will not be spent until there is a viable project that funds can be used.

Ed Behn: There is a need for affordable housing in this town. There are many people in Westborough and in the surrounding towns are hurting.

Leigh Emery, 5 Emery Road: The Planning Board always wanted to keep us around 13% ratio all the town. If we go below 10%, a developer can jump in and take advantage.

Gerry McCullough, 27 Overlook Drive: He said he agrees with Leigh Emery and that there is a huge need in town for subsidized/assisted housing. He suggested taking \$1.4 million from Pulte, find a location with existing senior housing, and put in affordable housing. We have the land and space. The longer wait and money will become worthless the way prices of houses have gone up. He hopes plans will be put together from the Select Board's end for affordable housing.

Mark Silverberg, 7 Weld Street and Chair of the Planning Board: The housing choice act has no affordable housing requirement in it. They made it clear we cannot put a requirement in the zoning of for example 50% to affordable housing just to avoid any development.

**VOTE: 169 in favor, 10 opposed. 2/3 vote. Motion carries.**

#### **ARTICLE 20: Rescind Borrowing Authorization (Department of Public Works)**

To see if the Town will vote to rescind prior years' unused borrowing authorization for the Fisher Street Water Purification Facility of One Million Two Hundred Forty Thousand Nine Hundred Four Dollars (\$1,240,904) voted under Article 32: Town Water System of the October 15, 2018 Town Meeting, or take any other action thereon.

*Article Information – The purpose of this Article is to rescind borrowing authorizations previously approved under Article 32 of the October 15, 2018 Town Meeting for costs of rehabilitating and upgrading the Fisher Street Water Purification Facility. The total amount approved was \$6,800,000. The amount of borrowing authorization that this Article seeks to rescind is \$1,240,904.*

*The only way to remove borrowing authorizations from the Town's financial records is by vote of Town Meeting. The motion for this article requires a simple majority vote.*

**Motion: Chris Payant, 18 Forbes Street, DPW Manager: *I move the article as printed in the warrant.***

Chris Payant: This is funding that was authorized several years ago to support the renovation of the Water Treatment Plant. We did not need all the funding that was authorized and this is really an administrative action to close out the borrow.

**VOTE: 160 in favor, 4 opposed. Majority vote. Motion carries.**

#### **ARTICLE 21: Stormwater System Improvements (Department of Public Works)**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, the sum of One Million Eighty-Five Thousand Dollars (\$1,085,000), or such other amount as the Town Meeting may approve, for the design, securing of easements, construction, installation, and/or replacement of stormwater infrastructure and all associated work, and costs incidental or related thereto, or take any other action thereon.

*Article Information – This funding allows for the replacement of a culvert on Bowman Lane and the design of culvert replacements at the Morse St and Upton Rd intersection. The town has applied for funding through the Culvert Replacement Municipal Assistance Grant Program. Up to \$400,000 can be awarded to a project. Any funds awarded through this grant will be applied to the Bowman Lane culvert project cost. Requires a simple majority vote.*



**Motion: Chris Payant, 18 Forbes Street, DPW Manager:** *I move that the Town vote to transfer and appropriate from Free Cash the sum of \$1,085,000 for the purpose stated in the article as printed in the warrant.*

Walter Leslie, Advisory Finance Committee Vice Chair: Explained there was a typo in the Finance Committee Recommendation Booklet on page 17 and 33. The correct number voted was 7-0-0.

Christ Payant, DPW Manager: Water Management involves managing the water and treating that water. Which means we need to do certain things to it before it is allowed to enter resource areas and waterways. The article has two pieces. Funding for a culvert replacement and funding for some analysis associated with a separate series of culverts.

**VOTE: 156 in favor, 13 opposed. Majority vote. Motion carries.**

**ARTICLE 22: Town Water Distribution System Improvements (Department of Public Works)**

To see if the Town will vote to transfer from Water Retained Earnings the sum of Fifty Thousand Dollars (\$50,000), or such other amount as the Town Meeting may approve, for repair or replacement of various water infrastructure and associated work, including all incidental and related costs.

*Article Information - This project provides funding for capital improvements associated with the town's water distribution system. The funds will be used to replace assets that have a useful life of 20+ years. The primary assets that are the focus for this work are water gate valves. The town operates and maintains over 1500 valves. The motion for this article requires a simple majority vote.*

**Motion: Chris Payant, 18 Forbes Street, DPW Manager:** *I move that the Town vote to transfer and appropriate from Water Retained Earnings the sum of \$50,000 for the purpose stated in the article as printed in the warrant.*

Chris Payant: Talked about it in “3 buckets”, supply, treatment and distribution. This article is about the distribution system. This is a reflection of the acid management system, funded by town meeting several years ago. The funding from this article is to pay to start the replacement of vales around town that are dysfunctional or in need of repair.

**VOTE: 164 in favor, 8 opposed. Majority vote. Motion carries.**

**ARTICLE 23: Town Water Treatment System Improvements (Department of Public Works)**

To see if the Town will appropriate the sum of Six Million Four Hundred Thousand Dollars (\$6,400,000) is appropriated to pay costs of design, extension, repair, replacement, and construction of water infrastructure and associated work consisting of the project management and construction for the addition of a PFAS treatment system at the Oak Street water plant, including all incidental and related costs, including without limitation all costs thereof as defined in G.L. c. 29C, §1; to determine whether this amount shall be raised by borrowing or otherwise, including the borrowing of all or any portion of this amount through the Massachusetts Clean Water Trust (the “Trust”); to authorize the Select Board and any other appropriate official of the Town to enter into a loan agreement and/or security agreement with the Trust and the Department of Environmental Protection that may be required with respect to any borrowing through the Trust and for any federal or state aid or principal forgiveness available for the project or for the financing thereof; to authorize the Select Board to enter into a project regulatory agreement with the Department of Environmental Protection in connection with any borrowing through the Trust and any and all other instruments necessary or appropriate to accomplish the foregoing, or to take any other action relative thereto.

*Article Information - This article funds project management and construction for the addition of a PFAS treatment system at the Oak Street water plant. One of the wells that feeds to the Oak Street plant is currently not in use because the PFAS concentration exceeds the Massachusetts Department of Environmental Protection allowable limit. Westborough’s PFAS treatment project was added to the Massachusetts Department of Environmental Protection (MassDEP) Draft Calendar Year 2023 Intended Use Plan (IUP), which lists the projects, borrowers, and amounts that are being recommended for financing through the Drinking Water State Revolving Fund (DWSRF) loan program. The DWSRF is a joint federal-state financing program that provides subsidized loans to protect public health by improving water supply infrastructure systems and protect drinking water in the Commonwealth. During the 2023 calendar year, PFAS remediation projects will be eligible to receive additional subsidy in the form of a 0% interest rate loan. The motion for this article requires a two-thirds vote.*

**Motion: Chris Payant, 18 Forbes Street, DPW Manager:** *I move that the Town vote that the sum of Six Million Four Hundred Thousand Dollars (\$6,400,000) is appropriated for the purpose of financing the costs of design, extension, repair, replacement, and construction of water infrastructure and associated work consisting of the project management and construction for the addition of a PFAS treatment system at the Oak Street water plant, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow the sum of Six Million Four Hundred Thousand Dollars (\$6,400,000) and issue bonds or notes therefor under Section 8 of Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, or any other enabling authority; that the Treasurer with the approval of the Select Board is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Select Board or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.*

Chris Payant, DPW Manager: The funding is to design the project. This project is related to treatment required to take care of PFAS (a contaminate a contaminate in our water system). This article allows funding of a treatment system at the Oak Street Water Treatment Plant to remove PFAS from the water. We had a well that was tested in 2020 and it exceeded the states allowance for PFAS. The well was shut down and the town has not used it since. The town has been active in pursuing the mitigation of this issue. In addition, we have arrived at this point where we need to fund the construction of the treatment systems that is required.

Ted Jaworski, 3 Deerslayer Lane: Asked where did the PFAS come from in the area of a major well; and, why shouldn't we be worried it could happen in others?

Chris Payant, DPW Director: Replied we do not know the source of the PFAS. He said we test our other sources of water and this is the only source of water that exceeded the limit that requires us to do this process.

Gary Kessler, 20 Ruggles Street: Thanked Mr. Payant for keeping our water safe. We have been without this well for some time. What percentage of water would be coming from this well and why can't we just continue without it? In addition, what would the cost be if we were to create a new well instead of replace the old well and take it off line?

Christ Payant: Replied this well is tied to two wells. These two wells tie to about 30% of the town's water use, about 2 million gallons every day. The town has been very proactive over many decades in searching for water. It takes a long time to add a well to the system. We have hundreds of test wells all over town. He feels we have exhausted all opportunities for new wells. The only viable space is near Cedar Swamp where we probably would not be able to put a well.

Andy Koenigsberg 3 Smith Street: He said the concentrations of PFAS is measured in parts per trillion. The town could spend a heck of a lot of money tracking this stuff down or just treat the water.

Gerry McCullough, 27 Overlook Drive: Asked if this is a Chauncy well point was shut down.

Chris Payant: Replied yes.

Gerry McCullough said his recollection is this was State Hospital property and never seemed to be too careful of what they disposed of there probably a lot that got into Lake Chauncy. Mr. McCullough was wondering whether we have any recourse with the state.

Chris Payant: Replied that we are part of litigation that is looking at some of that and there is potential we could see funding that could offset some of the Town's costs.

**VOTE: 165 in favor, 17 opposed. 2/3 vote. Motion carries.**

#### **ARTICLE 24: Town Water Supply Infrastructure Improvements (Department of Public Works)**

To see if the Town will vote to transfer from Water Retained Earnings the sum of Five Hundred Ninety Seven Thousand Five Hundred Dollars (\$597,500) and transfer from Sewer Retained Earnings the sum of Thirty Seven Thousand Five Hundred Dollars (\$37,500), or such other amount as the Town Meeting

may approve, for design, repair, and installation of water and sewer infrastructure and associated work, including all incidental and related costs, or to take any other action relative thereto.

*Article Information – This article provides funding for improvements to infrastructure related to the town's water supply. The work involves connection of a well to the distribution system, rehabilitation of the primary spillway at the reservoir, and investigation of options for aquifer recharge. In 2021, a new well was dug in the Wilkinson Well field. The next step in the process in order to make the well active is connection to the water system. Connecting the well to the water system will allow the town to maximize its water withdrawal permit for the well field. This funding will allow for system design and installation of pipes and mechanical systems to connect to the water distribution system. In 2018, an inspection by the Office of Dam Safety of the structures at the reservoir identified deficiencies. This funding will allow repairs to be completed at the reservoir. The town recently applied for a Municipal Vulnerability Program Action Grant to fund a project focused on aquifer recharge. Resilience of the Town's water supply in the face of drought and extreme heat is a key concern that was identified during the town's Municipal Vulnerability Program (MVP) planning process. This article provides the required matching funds to allow the town to accept the grant, if awarded. The motion for this article requires a simple majority vote.*

**MOTION: Chris Payant, 18 Forbes Street, DPW Manager:** *I move that the Town vote to transfer and appropriate from Water Retained Earnings the sum of \$597,500 and transfer and appropriate from Sewer Retained Earnings the sum of \$37,500 for the purpose stated in the article as printed in the warrant.*

Chris Payant: This article covers three different projects. A well project in the amount of \$265,000; a spillway project in the amount of \$295,000; and a grant match of \$75,000. The town has been investigating over many years' opportunities for additional wells. Early last year a well dug by the town was completed; and, it needs to connect to the water system so we can access the water. All of the wells and any water sources pulled from the ground need permitting. The State caps us on how much take out of wells based on aquifer recharge. This particular well has a certain limit that it has allowed to take out of the ground and we cannot reach that limit with this well since it does not produce the way we want it too. It is in the town's best interest long term to make sure all water sources we have are all available. Because at any time any one of the wells could stop work and we need alternates or else we will not have water. It is super important to have wells online and that is why the town has spent decades looking for water and bringing those water sources online so we have flexibility across the system.

The second piece of this Article is to repair concrete on the Sandra Pond upper spillway.

The third piece, the two million gallons of water goes to the Sewer plant and then is shipped out of town. It is a smart thing for the town to look at ways to figure out how we can take some of that water and bring it back into our town. Mr. Payant is applying for a grant that will look across town and look for opportunities we can keep water in the town whether through storm water or treated water to then infiltrate to our aquifers. That is a long-term project, possibly decades. Our first step to see what is feasible and does it make sense. We are applying for a grant that will help us start looking at the problem. We have to provide a match to that grant and that sum is \$75,000 for about a \$300,000 to \$350,000 project. We are taking money from the Water Enterprise Fund and money from the Sewer Enterprise Fund. Those figures together equal \$75,000, which is our match. If do not get the grant we do not spend money but it will give us the ability to say yes to the grant if we get it.

**VOTE: 164 in favor, 13 opposed. Majority vote. Motion carries.**

#### **ARTICLE 25: Town Sewer System Improvements (Department of Public Works)**

To see if the Town will vote to transfer from Sewer Retained Earnings the sum of Two Hundred Thousand Dollars (\$200,000), or such other amount as Town Meeting may approve, for the purpose of completing assessments and improvements to the municipal sewer system, including all costs incidental and related thereto, or take any other action thereon.

*Article Information – This article requests funding to continue the process for updating the town's Comprehensive Wastewater Management Plan (CWMP). Updating the CWMP is a multi-year effort. This update to the CWMP will identify potential changes in wastewater disposal needs, including modifications that may be required to residential, commercial and industrial wastewater allocations. The motion for this article requires a simple majority vote.*

**Motion: Chris Payant, 18 Forbes Street, DPW Manager:** *I move that the Town vote to transfer and appropriate from Sewer Retained Earnings the sum of \$200,000 for the purpose stated in the article as printed in the warrant.*

Walter Leslie, Advisory Finance Committee Vice Chair: On March 20, 2023, the Advisory Finance Committee

Christ Payant, DPW Manager: When we talk sewer, we treat it and collect it. The only part we do is collect. We have a regional treatment plant that Westborough, Hopkinton and Shrewsbury all send their wastewater to. The DPW does not oversee that. We only talk about the pipes that get everything to the treatment plant. This article is about our comprehensive wastewater management plan. We have to have approval from the state in order to do certain things regarding wastewater. We have a plan that was approved by the Department of Environmental Protection. It was initiated 20 years ago. It is near the end of its life cycle and we need to refresh that plan. That plan looks at all the needs across the town then offers recommendations on how to address those needs for wastewater. The needs analysis portion was already funded and is ongoing. The next step is to assess how we will respond to those needs. The money you are being asked to support today is going to develop alternatives.

## **ARTICLE 26: Town Sewer Collection System Improvements (Department of Public Works)**

*Article Information - This project provides funding for capital improvements associated with the town's sewer collection system. The funds will be used to replace assets that have a useful life of 20+ years. The primary assets that are the focus for this work are sewer station pumps, impellers, and controls. The town operates and maintains 32 pump stations. The motion for this article requires a simple majority vote.*

Chris Payant: We have over two dozen pump stations around town. We maintain these stations through the operating budget. However, the large pumps cost tens of thousands of dollars and we cannot just maintain them out of the operating budget. These are capital expenses. This money is to go to some of these stations for 'mini rehabs'. The pump stations in question need renovations that can be done by the DPW by hiring a contractor. The stations should then last another 20-30 years.

**ARTICLE 27: Establish Article 57 - Stormwater Management Program in Westborough General Bylaws (Department of Public Works)**

## ARTICLE 57 – STORMWATER UTILITY BYLAW

The Select Board (the "Board") shall administer, implement, and enforce this by-law unless otherwise provided in this by-law. Any powers granted to, or duties imposed upon the Board may be delegated in writing by the Board to Town employees or assigned agents.

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## AUTHORITY

## Section 3

## DEFINITIONS

(A) *Credit* means a reduction in the amount of a Stormwater Utility fee charged to the owner of a particular property where that property owner owns, maintains and operates on-site or off-site stormwater management systems or facilities, or provides services or activities that reduce or mitigate the Town's cost of providing stormwater management services, in accordance with the Town's approved credit policy.

(B) *Developable* shall mean a parcel of land, as designated by the Assessor or other local jurisdictional authority, that can be altered from its natural state to include impervious surface area.

(C) *Developed* means property altered from its natural state by construction or installation of greater than or equal to five hundred (500) square feet of impervious surfaces.

(D) *Drainage system* shall mean natural and manmade channels, swales, ditches, swamps, rivers, streams, creeks, wetlands, branches, reservoirs, ponds, drainage ways, inlets, catch basins, gutters, pipes, culverts, bridges, head walls, storm sewers, lakes, and other physical works, properties, drainage easements, and improvements that transfer, control, convey or otherwise influence the movement of stormwater runoff.

(E) *General Laws* means the General Laws of the Commonwealth of Massachusetts.

(F) *Impervious surface* includes any material or structure on, below, or above the ground that prevents water infiltrating the underlying soil. Impervious surfaces include, without limitation, roads, sidewalks, paved parking lots, driveways, rooftops, buildings or structures, artificial turf, compacted gravel or soil traveled ways, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

(G) *Stormwater* is surface water that results from precipitation and that travels over natural or developed land surfaces to discharge into a drainage system or surface water body. Stormwater includes stormwater runoff, snow melt runoff, and surface water runoff and drainage.

(H) *Stormwater management services* mean all services provided by the Town which relate to the:

1. Transfer, control, conveyance or movement of stormwater runoff through the Town;
2. Maintenance, repair and replacement of stormwater management systems and facilities owned, controlled, or maintained by the Town;
3. Planning, development, design and construction of additional stormwater management systems and facilities to meet current and anticipated needs;
4. Regulation, oversight, and enforcement of the use of stormwater management services, systems and facilities; and
5. Compliance with applicable State and Federal stormwater management regulations and permit requirements including, but not limited to, public education and outreach. Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

(I) *Stormwater management systems and facilities* mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, culverts and bridges, headwalls, storm sewers, outfalls and other physical works, properties, drainage easements, and improvements which transfer, control, convey, detain, retain, treat or otherwise influence the movement of stormwater runoff.

(J) *Stormwater Utility fee* means the periodic user fee imposed pursuant to this by-law by the Town of Westborough which will be dedicated to the provision of public stormwater management services.

(K) *Undevelopable land* is all land including crops, forest land, pasture, conservation or recreation land as designated by the Assessor or other regulatory authority as not being able to be altered from its natural state in greater than five hundred (500) square feet of impervious surface.

(L) *Undeveloped land* shall mean all land that is not altered from its natural state to an extent that results in greater than five hundred (500) square feet of impervious surface area.

**STORMWATER UTILITY FEE AND ENTERPRISE FUND ESTABLISHED; BILLING;  
DEPOSIT TO STORMWATER ENTERPRISE FUND**

- 29

Stormwater charges shall be established such that they will provide sufficient funds, proportionately calculated and assessed, to construct, operate, maintain, and regulate the stormwater management systems and facilities in the Town of Westborough.

- (B) The Stormwater Utility fee is assessed to each developed parcel, whether occupied or not. The fee shall be calculated on an annual basis and billed to the record title owner of the property.
- (C) The Town shall establish a dedicated Stormwater Enterprise Fund in the Town budget and an accounting system for the purpose of managing all funds collected for the purposes and responsibilities of the stormwater program. All revenues and receipts of the Stormwater Utility shall be placed in the Stormwater Enterprise Fund, which shall be separate from all other funds, and only expenses of the stormwater program shall be paid by the fund as provided in G.L. c.44,s. 53 F1/2.
- (D) Expenditure of funds may consider both stormwater quality and quantity management needs, and can be used as described in Section 7.

Section 5        RATES

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- (A) The Select Board shall establish reasonable rates for the cost of administering and implementing the stormwater management program of the Town. The initial rates, and any later modifications, shall be based upon recommendation of staff and shall be set by the adoption of a Stormwater Fee Schedule by vote of the Select Board. The schedule of said rates shall be on file in the office of the Town Clerk of the Town of Westborough.
- (B) The billing rate structure shall consist of the following based on the square feet of impervious area on a developed parcel, which is derived from a Town-wide analysis of impervious area and the median or typical impervious area (or a multiple thereof) for a single-family residential property will serve as the basis for billing units (base billing unit). Single-family residential properties shall fall within tiers that represent small, medium, and large impervious areas for simplicity and all other properties (multi-family, condos/townhouses, commercial, industrial, tax exempt) will be billed a multiple of the base billing unit.

The Town may choose to bill single-family residential properties with greater than 10,000 square feet of impervious area as a multiple of the base billing unit.

- (C) Impervious area per parcel is determined by the Town of Westborough by utilizing available GIS data layers to calculate the area of building footprints, building structures, driveways, pathways, pool aprons, patios, sport courts, private roads, and parking areas. Any impervious areas within the town-owned right-of-way will not be attributed to the parcel and will not be considered as part of the total impervious area of the parcel.

Section 6        SCOPE OF RESPONSIBILITY FOR STORMWATER MANAGEMENT SYSTEMS AND FACILITIES

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- (A) The Town owns or otherwise has rights which allow it to operate, maintain, improve and access those stormwater management systems and facilities which are located:
  - 1. Within public road rights-of-way;
  - 2. On private property but within easements granted to, and accepted by, the Town of Westborough, or are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or such other lawful means to allow for operation, maintenance, improvement and access to the stormwater management system facilities located thereon; and
  - 3. On public land which is owned by the Town and/or land of another governmental entity upon which the Town has agreements providing for the operation, maintenance, improvement and access to the stormwater management systems and facilities located thereon.
- (B) Operation, maintenance and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the Town, and for which the Town lacks a lawful right of entry, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by state and federal laws and regulations.

Section 7        PURPOSES OF THE STORMWATER UTILITY FUND

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Receipts from the Stormwater Utility fee, to the extent consistent with G.L. c. 44, s. 53 F1/2, shall be used to provide stormwater management services, including but not limited to the following purposes:

- (A) The acquisition by gift, purchase or condemnation of real and personal property, and interests therein, necessary to construct, operate, and maintain stormwater management systems and facilities;

- (B) All costs of administration and implementation of the stormwater management program, including the cost of labor and equipment attributable to the stormwater management program and the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements;
- (C) Payment on principal and interest on debt obligations;
- (D) Engineering and design, debt service and related financing expenses, construction costs for new facilities (including costs for contracted services) and enlargement or improvement of existing facilities;
- (E) Operation and maintenance of the stormwater system, including catch basin cleaning, ditch maintenance, street sweeping, pipe repairs, and stormwater facility repairs;
- (F) Capital investments including stormwater best management practices (BMPs) and components (e.g., purchase of plants, soils, and other amenities to support stormwater management alternatives utilizing vegetation);
- (G) Illicit discharge detection and elimination;
- (H) Monitoring, surveillance, and inspection of stormwater control devices;
- (I) Water quality monitoring and water quality programs;
- (J) Retrofitting developed areas for pollution control;
- (K) Inspection and enforcement activities;
- (L) Billing and related administrative costs; and
- (M) Other activities which are reasonably necessary, including costs related to regulatory compliance.

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#### Section 8      STORMWATER UTILITY FEE EXEMPTIONS

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- (A) The Town of Westborough finds that all developed property in the Town contributes to runoff and either uses or benefits from the maintenance of the stormwater system. Therefore, except as provided in this section or otherwise provided by law or policy approved by the Select Board, no developed public or private property located in the Town of Westborough shall be exempt from the Stormwater Utility fee charges.
- (B) The Town establishes exemptions to the Stormwater Utility fee as follows:
  - 1. Undevelopable land.
  - 2. Railroad rights-of-way (tracks). However, railroad stations, maintenance buildings, and/or other developed property used for railroad purposes shall not be exempt from Stormwater Utility fee charges.
  - 3. Public streets, highways, and rights-of-way. All other State, Federal, and County properties are subject to the user fee charges on the same basis as private properties.

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#### Section 9      STORMWATER UTILITY FEE CREDITS

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- (A) The Director of Public Works or his or her designee (the “Director”) (or their designee) is hereby authorized to grant credits to property owners to be applied against the Stormwater Utility fee based on the technical and procedural criteria set forth in the Stormwater Utility Credit Manual (Credit Manual) to be developed, maintained and, from time to time, amended by the Board. The Credit Manual shall be implemented within the first two years of the Stormwater Utility and shall be available for inspection by the public at the Department of Public Works.
- (B) The percentages for credits shall reflect the extent to which the subject properties reduce the peak rate of runoff from the property, or avoid other costs incurred by the stormwater management program in the delivery of services, and shall be approved by the Board (or their designee). The maximum possible credit for properties shall be detailed in the Credit Manual.
- (C) Any credit allowed against the Stormwater Utility fee is conditioned on continuing compliance with the Town’s design and performance standards as stated in the Credit Manual and/or upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. The Board or Director may require submittal of an annual compliance report and may revoke a credit at any time for noncompliance with

applicable standards and criteria as established in the Credit Manual or this by-law.

- (D) In order to obtain a credit, the property owner must make application to the Director on forms provided by the Town for such purpose. The forms are to be fully completed in accordance with the procedures outlined in the Credit Manual.
- (E) When an application for a credit is deemed complete by the Director, the Director may either grant the credit in whole, grant the credit in part, or deny the credit. Credits applied for by the property owner and granted in whole or in part, shall apply to all Stormwater Utility fees in accordance with the terms defined in the Credit Manual.

Section 10        **STORMWATER UTILITY FEE BILLING, DELINQUENCIES, COLLECTION AND ABATEMENTS**

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- (A) Failure to receive a Stormwater Utility bill is not justification for non-payment. The property owner, shall be obligated to pay the appropriate Stormwater Utility fee for that property. If a property is unbilled, or if no bill is sent for a particular parcel of developed land, the Town may back bill for the fees as applicable for a period not to exceed six years of charges, but no late fees or delinquency charges of any kind shall be charged or recovered from any property owner so back billed.
- (B) Stormwater Utility bills shall be committed to the Treasurer/Collector for collection. Notification of fees assessed under the stormwater utility system shall be provided to the property owner, as identified from public records of the Town, in the form of an annual or quarterly bill. The Tax Collector shall collect and maintain an accurate accounting of all paid and unpaid stormwater utility bills, shall notify the Board (or their designee) of the amounts collected, and shall keep records of all paid and unpaid Stormwater Utility bills.
- (C) In any case of nonpayment of a Stormwater Utility bill for thirty (30) days after the same is due, the Treasurer/Collector shall send a notice to the delinquent, including interest and fees, and shall inform the Director of Public Works (or their designee) in writing that such notice has been sent.
- (D) In accordance with Sections 16A through 16F of Chapter 83 of the General Laws, charges for the Stormwater Utility fee, together with interest thereon and costs relative thereto, shall be a lien upon the real estate for which the charge was billed. Such lien shall take effect by operation of law on the day immediately following the due date of such charge and, unless dissolved by payment or abatement, shall continue until such charge has been added to or committed as a tax in accordance with the requirements of Section 16C of Chapter 83 of the General Laws, and thereafter, unless so dissolved, shall continue as provided in Section 37 of Chapter 60 of the said General Laws.
- (E) In addition to the method of collection specified in Sections 16A through 16F of Chapter 83 of the General Laws, the overdue charge may be collected through any other lawful means.

Section 11        **APPEALS AND HEARINGS**

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In the event that a property owner believes the Stormwater Utility fee is improperly calculated or is otherwise incorrect, the property owner may, apply for an abatement thereof by filing written petition with the Select Board within the time allowed by law for filing an application for abatement of the tax of which such charge is, or, if the property were not tax exempt, would have been, a part, and if the Select Board finds that such charge is more than is properly due, a reasonable abatement shall be made; and except as otherwise provided herein, the provisions of chapter fifty-nine of the General Laws relative to the abatement of taxes by assessors shall apply, so far as applicable, to abatements hereunder. If such petition is denied in whole or in part, the petitioner may appeal to the appellate tax board upon the same terms and conditions as a person aggrieved by the refusal of the assessors to abate a tax.

Section 12        **SEVERABILITY**

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The invalidity of any section, provision, paragraph, sentence, or clause of this by-law shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

Section 13        **EFFECTIVE DATE**

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*To be inserted upon by-law approval of the Attorney General and publication in accordance with G.L. c. 40, §32.*

or take any other action thereon

*Article Information - This article proposes a new bylaw to authorize the establishment of a Stormwater Utility program to meet state and federal regulatory requirements under the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) General Permit or other mandated requirements that may be enacted and to establish a mechanism for assessing fees to fund the activities that are required to*



*comply with those mandates. The motion for this article requires a simple majority vote.*

**Motion: Chris Payant, 18 Forbes Street, DPW Manager:** *I move the article as printed in the warrant.*

Chris Payant, DPW Manager: Westborough is built on/next to a swamp and we have to manage our water. The water out of the sky has to be controlled. We have over 4,500 storm drains, which lead to catch basins. We have over 450 'out falls'. The town has over 200 culverts. There are detention basins, which are important for the management of flow and for the treatment of water. In 2018 received MS4 Permit from the state. The permit has many mandates to do many things; and, the DPW has been doing them over the last several years. In 2020 the Town looked at stormwater to see how we want to handle the mandates and how do we want to fund things over time. In 2021, they applied for and received a grant to fund a consultant to investigate opportunities and feasibility of a stormwater utility and the consultant, Rich Niles is here to answer questions later. In addition, beginning in December and through today information has been given in various forums to educate. Evaluation of stormwater assets. The big requirement is related to capital costs and the expense associated with repairing and replacing the culverts. There was a study of 155 of the 200 culverts across the town (some were submerged). To do the top twenty of those culverts is about \$3.5 million. 25,000' of drainpipe (the town has about 300,000') was assessed and of that of 6,600' of that needs to be replaced or repaired for a cost of almost \$3 million. Based on the analysis done the figure of \$1.5 million is what will be needed on an annual basis to fund operations and maintenance, our MS4 permit requirements, and the capital costs associated with replacing these structures. It includes \$80,000 from the current DPW budget. He is proposing the Stormwater Utility at a funding option. He thinks it is the most equitable way in total and the most appropriate way to apply a fee to generate the funding required addressing this issue. Mr. Payant said the \$1.5 million is to maintain, repair and replace the infrastructure across the town.

Nathan Walsh, 3 Mathieu Drive: Said he said he is not against managing stormwater he is against these specific bylaws. Bylaws are written so that while town meeting is not in session, the town has rules, procedures and expectations detailed so we have proper functioning. Bylaws are meant to be long lasting. He expects that at town meeting to hear what money will be spent on at town meeting. Town meeting to hear how much money is wanted, what the money will be spent on and then have a vote to approve it. He said these bylaws do the opposite. There are no checks and balances.

Chris Payant: The bylaw being voted on today authorizes the town to establish a stormwater utility fund. It does not set the rates; define credits, or the exemptions. It is to authorize town to establish the stormwater utility. The implementation phase, in a subsequent article, is where the rates are set, the credit manuals written out. The thought process was, why spend money on figuring not all of that out, get to the end, and the town says any. In his opinion, that is spending a lot of money for no purpose. Let us see if we want to commit to something and then take the steps appropriate to fine-tune it. The rate shown are accurate.

Boyd Conklin, 8 Water Street: When he went to an info session, it seemed like you wanted the fund to get grant funding and had to have an account that had money in it to get that grant funding. Mr. Boyd thinks he should go to the town to get that he needs for money. He is against this because he thinks everything should be kept under property taxes.

Chris Payant: To the grant piece, we did talk about leveraging this fund for grants. He talked about a matching grant related to water and sewer. Having this fund gives us credibility with people that provide grants because we have funds dedicated to the purpose. We can tap into that resource and leverage as matching funds as necessary.

James Tashjian, 225 West Main Street: He said he has concerns with the appropriations in the bylaw. He sees it as a method to convert from a town-side tax to a system of assessment that will impact some but not all property owners in town. To the extent it affects some rather than all ultimately will increase costs to a reduced number of property owners. Not objecting the need to upgrade the system. Concerned with the implementation of the cost. Not in favor as presented.

Christ Payant: This applies to every property in town. Everyone pays. Everybody contributes, commercial and residential, and everyone will pay to some degree.

Wayne Webster, 3 Essex Way: Thanks Mr. Payant for his guidance, planning and attention to maintenance. He is not in favor so support the enterprise fund. There was never a commensurate reduction in the tax levy. However, the Town never lowers the tax levy. The Town leaves the tax levy just as high.

Chris Payant: Most of what we are addressing is a gap in funding. You are not going to see a reduction in the budget, at least from the DPW because it is not funded now. This is a long-term problem and this is possibly a strategic answer. We need to have a system that pays for it. This is a way to do it is modeled in other towns across state and country that is proven to work.

Rick Kotoski, 5 Arch Street: In favor of this article. He considers stormwater a critical utility. The stormwater has to be handled properly or it can have a negative effect on the town's infrastructure. He said doing it this way with the utility fund and the enterprise rate is a better way to do it. It provides a mechanism to place the financial burden for these critical utilities based on usage through separate residential and industrial fee schedules.

Chris Payant: 75% is coming from commercial properties. It was presented to Economic Development Committee who voted in favor of the utility fund.

Jodi Hensley, 39 Arch Street: In support of article because she has great respect for Mr. Payant and the Select Board for reviewing and saying it is in the best interest of the town. Ms. Henley asked what biggest problem with the stormwater runoff is and why these impervious surfaces are the cause and why did he bring this bylaw as the best solution.

Christ Payant: Environments create circumstances, when rainfalls, no place to go other than off surface or stays on road. We create a stormwater system to capture and move water. This is the same approach we have for water and sewer. It is a utility and we are managing it that way. Solution to generate the revenue and maintain the infrastructure for years.

Steve Doret, 23 Mill Road: **Offered an Amendment to the Article 27:** Under Section 4 of the Stormwater Utility fee in the Advisory Finance Committee booklet, after Section B which reads: The Storm utility fee is assessed each developed parcel, whether occupied or not. The fee shall be calculated on an annual basis and billed to the record title owner of the property. Mr. Doret's **Amendment** is:

*However, the property owners of single-family residences shall be exempt from such fees and shall not pay such fees for any impervious surfaces of such property including runoffs from roofs, driveways or other appurtenances, which may be deemed impervious.*

Mr. Doret as a single-family resident real estate taxes can be deducted on federal taxes but as a fee structure, he cannot. Would like to see this pay fee structure changed so it can still be deducted. If it goes into the Utility Fund, it becomes a service it cannot be deducted per the IRS.

Chris Payant: Asked for clarification that Mr. Doret is asking to remove the fee from all residential properties?

Mr. Doret: Replied yes.

*Town Counsel: Sharin Everett, KP Law: Attorney Everett said in her opinion the proposed amendment to the bylaw is out of order. In her opinion, it is out of legal order because what is being assessed is a fee that is charged to each user. That fee has to be proportionate on the use. Both business and residential properties have impervious surfaces. It would be improper and out of order to exempt residential properties from this fee. Because fees are assessed on usage; and, it has to be proportionate.*

*Moderator Arnold: A fee-based structure is based on usage and it would be inappropriate and out of order to take a whole class of people and exempt them from that fee and that is your legal opinion?*

*Attorney Everett: Replied yes.*

*Moderator Arnold: Commented that "if Town Counsel thinks that we taking up this amendment would essentially threaten whether this whole thing is worthwhile or not I am going to say the amendment is disallowed based on Town Counsel's opinion".*

Tom Persia, 1 Shaker Way: Said the Select Board establish rates and budget and decide how much to spend. Town meeting will have no impact.

Chris Payant: Setting the rates per the bylaw would be the Select Board. To pull money out they would have to come to Town Meeting and ask permission to spend it. Two different things. Set rates through Select Board but have to as Town Meeting to spend it.

Ed Baldwin, 25 Mt. Pleasant Street: Commented isn't it correct there is many impervious properties not subject to these fees? In addition, what percentage of impervious land is on public property and what percentage is roads?

Chris Payant: Replied the Town pays for properties it owns, such as town hall and schools. The town pays water and sewer bills. Roads are not accounted for.

Guest Speaker Rich Niles: Explained roads are about 1/3 in the community. This program is intended to pay for largely the stormwater system associated with the roads. We do not charge for roads; we are paying for the public system. Municipal properties are a small percentage, approximately 5% of the total pervious area.

Ed Baldwin, 25 Mt. Pleasant Street: Asked Town Manager Kristi Williams if we take the \$1.5 million a year out of taxes what would that do to the Proposition 2 ½ limit?

Kristi Williams, Town Manager: Replied it is \$198. It would reduce the excess levy capacity but we are not close to Prop 2 ½.

Mark Silverberg, 7 Weld Street: Said he is in favor of this article and applauds the Town and DPW for coming up with a creative mechanism that has a proportional burden rather than proposing a tax increase. He also applauds them for coming up with a measured, systematic approach rather than waiting until it becomes a problem and borrowing \$20 million to fix it. “We’re tackling it on yearly basis and recognizing it’s a worthwhile project to do every year.”

Jacob Clapp, 11 Chauncy Circle: made a **Motion to Terminate Debate**.

**VOTE: 158 in favor, 28 opposed. 2/3 vote. Debate is terminated.**

**VOTE on the Main Motion: 102 in favor, 81 opposed. Majority vote. Motion carries.**

**ARTICLE 28: Stormwater Enterprise Fund Implementation (Department of Public Works)**

To see if the Town will vote to accept the provisions of Chapter 44, § 53F½ of the Massachusetts General Laws establishing the Stormwater Utility Enterprise Fund effective as of July 1, 2023; and to transfer from Free Cash the sum of One Hundred Fifty Thousand Dollars (\$150,000) to implement a Stormwater Utility program, including all costs incidental and related thereto, or take any other action thereon.

*Article Information - This article provides start-up funding to implement a Stormwater Management program until such time as fee revenue can be collected to fund future operations. The motion for this article requires a simple majority vote.*

**Motion: Chris Payant, 18 Forbes Street, DPW Manager:** *I move that the Town accept the provisions of Chapter 44, §53F1/2 of the Massachusetts General Laws establishing the Stormwater Utility Enterprise Fund effective as of July 1, 2023 and transfer and appropriate from Free Cash the sum of \$150,000 for the purpose stated in the article as printed in the warrant.*

Chris Payant: The \$150,000 pays for services that will allow us to implement this Enterprise Fund. Includes updating impervious area database, financial analyses to set final rate and provide billing and customer support for execution.

**VOTE: 120 in favor, 48 opposed. Majority vote. Motions carries.**

**ARTICLE 29: Amend General Bylaws Article 51 - Water Use Restriction (Department of Public Works)**

To see if the Town will vote to amend Article 51 of the Westborough General Bylaws by deleting it in its entirety and replacing it with the following:

**ARTICLE 51 – WATER USE RESTRICTION**

**SECTION 1                      AUTHORITY**

This By-law is adopted by the Town of Westborough under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and pursuant to its powers under M.G.L. c. 40, §§ 21 *et seq.* and implements the Town’s authority to regulate water use pursuant to M.G.L. c. 41, § 69B. This by-law also implements the Town’s authority under M.G.L. c. 40, § 41A, conditioned upon a declaration of a State of Water Supply Emergency in conjunction with the petition of the Department of Public Works and issued by the Department of Environmental Protection under G.L. c. 21G, §§ 15-17. This by-law is also intended to implement other water conservation requirements of M.G.L. c. 21G, the “Massachusetts Water Management Act” and its regulations promulgated at 310 CMR 36.00.

**SECTION 2                      PURPOSE**

The purpose of this by-law is to protect, preserve and maintain the public health, safety, welfare and the environment by limiting nonessential water use so as to ensure an adequate supply of water for drinking/cooking, agriculture and

fire protection and to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands. This purpose will be accomplished by providing for the imposition and enforcement of any duly implemented restrictions, requirements, provisions or conditions on nonessential water use imposed by the Town of Westborough in accordance with this bylaw and/or by the Department of Environmental Protection under its state law authorities, when the Town is in a state of drought or other circumstance requiring in which the protection of public health safety and welfare requires a reduction in nonessential outdoor water use.

SECTION 3                      APPLICABILITY

Because all residents and business in the Town of Westborough draw from the same underground aquifer regardless of whether they use the public water supply or private on-site wells, the requirements of this bylaw shall apply to both users of the Town’s public water supply and to users of private on-site wells, including but not limited to wells intended solely for irrigation purposes.

Exception: This bylaw and any regulations enacted pursuant hereto shall not apply to any water supply or user with a registration of permit issued in accordance with the Massachusetts Water Management Act, G.L. c. 21G, §1, et seq., provided that the user is in compliance with all requirements of their registration and/or permit.

This bylaw shall be in effect year-round.

SECTION 4                      DEFINITIONS

“Nonessential outdoor water use” shall mean a use of water that is **not** required for one of the following purposes:

- (a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;
- (b) by permit, license, statute or regulation;
- (c) for the production of food, including vegetable gardens, and fiber;
- (d) for the maintenance of livestock;
- (e) to meet the core functions (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 A.M. and after 5:00 P.M.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities and athletic associations, before 9:00 A.M. and after 5:00 P.M.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the, repair or replacement of a Title 5 system.

SECTION 5                      REGULATION OF NONESSENTIAL OUTDOOR WATER USE

The Director of Public Works may enact and may from time-to-time amend regulations establishing restrictions limiting or prohibiting nonessential outdoor water use during periods of drought as declared by the Secretary of the Massachusetts Office of Energy and Environmental Affairs or the Director.

No person shall use water for nonessential outdoor water use unless said use is in compliance with the

regulations of the Department of Public Works. Said regulations shall apply with equal force to users of the Town’s public water supply system and those using private on-site wells, including but not limited to wells installed solely for irrigation purposes.

Said regulations may establish different tiers of restrictions based on the severity of drought conditions.

The restrictions on nonessential outdoor water use shall be at least as restrictive as the restrictions mandated by the Massachusetts Department of Environmental Protection, as may be amended from time-to-time, including but not limited to those set forth 310 CMR 36.00, et seq., provided that the regulations may be more restrictive if local conditions so require.

Said regulations shall include a procedure for providing notice to the public prior to the effective date of any nonessential water use restrictions and the termination of said restrictions.

SECTION 6                      PENALTIES

Any person violating this by-law or any regulation enacted pursuant hereto, shall be liable to the Town of Westborough through its Department of Public Works in the amounts listed below:

- 1)        First violation: Warning
- 2)        Second violation: \$150
- 3)        Third and subsequent violations: \$300

Each day of violation shall constitute a separate offense. Fines shall be recovered by complaint before the District Court, or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the general laws. For purposes of non-criminal disposition, the enforcing person shall be any police officer of the Town or employee of the Department of Public Works or the Department of Public Works’ designee.

This by-law may be enforced through any lawful means at law or in equity, including but not limited to the termination of water service for users of the Town’s public water supply in accordance with M.G.L. c. 40, § 41A.

SECTION 7                      SEVERABILITY

The invalidity of any portion or provision of this Bylaw shall not invalidate any other portion or provision thereof, or take any other action thereon

*Article Information - This article proposes amendments to the town’s water restrictions bylaw. The motion for this article **requires a simple majority vote.***

**Motion: Chris Payant, 18 Forbes Street, DPW Manager:** *I move the article as printed in the warrant.*

Chris Payant: We have an existing bylaw and a Water Management Act permit issued to the town, which allows us to pull water out of the ground; and a Select Board policy from 2002 that talks about water conservation. In addition, those three documents are not consistent in their language. The one thing added to this bylaw that is different is it will apply to all water users across the town. Currently, restrictions apply to those using water from the town’s system. The new bylaw adds ‘and private well users’ so everybody who draws from the same water sources follow the same restrictions.

Leslie Leslie, 207 West Main Street: Asked for a clarification under the definition the irrigation of public parks, i.e. would that include the public planting sites.

Chris Payant: Replied yes and said the real focus behind these restrictions is for irrigation.

Nathan Walsh, 3 Mathieu Drive: Said in Section 6 on penalties where it talks about violations, it seems it is missing a time frame.

Chris Payant: The time frame is seasonal and resets every summer. He acknowledged it does not say it.

Wilfred Savoie, 41 Chestnut Street: Said he would think a well owner would be upset about this proposal because they have spent hundreds/thousands of dollars to have a well. Has there been a study done that wells will reduce the water table of the whole town?

Christ Payant: No.

Wilfred Savoie: Asked why we are restricting the use of private wells if we do not know the impact on the water system.

Chris Payant: Said cannot give a specific number but knows it is affecting. It is more about principal to conserve water.

Wilfred Savoie: Said it seems like an overreach on the restrictions.

Mike Barretti, 54 Adams Street: Said he is a well owner and found out all aquifers are interconnected. This is not an inordinate restriction.

Anna Kung, 14 Cortland Drive: Commented we should be very considerate of our farmers in town.

Ian Johnson, Select Board Member: Farming is allowed for under the bylaw.

**VOTE: 140 in favor, 26 opposed. Majority vote. Motion carries.**

**ARTICLE 30: Acceptance of MGL Chapter 41, Section 110A**

To see if the Town will vote to accept MGL Chapter 41, Section 110A and authorize the Town Clerk’s office to remain closed on all Saturdays and to treat Saturdays as a legal holiday for purposes of calculating the time frame for filing matters in that office; or take any other action relative thereto.

*Article Information: Accepting of this section of law will allow the Town Clerk to not open their office on a holiday or weekend to hold voter registration sessions, acceptance of nomination papers, etc. The motion for this article requires a simple majority vote.*

**Motion: Judith Meltzer, 15 Baldwin Court, Member of the Board of Registrars: I move the article as printed in the warrant.**

**VOTE: 143 in favor, 18 opposed. Majority vote. Motion carries.**

**ARTICLE 31: Establish Article 18 - Community Preservation Committee in Westborough General Bylaws (Select Board)**

To see if the Town will vote to create a new bylaw Article 18 – Community Preservation Committee as follows:

**ARTICLE 18 – COMMUNITY PRESERVATION COMMITTEE**

**SECTION 1                      Establishment**

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to M.G.L. Chapter 44B (the “Act”). The composition of the Committee, the appointment authority and the term of office for the committee members shall be as follows:

- One member of the Westborough Conservation Commission as designated by that Commission.
- One member of the Westborough Historical Commission as designated by that Commission.
- One member of the Westborough Planning Board as designated by that Board.
- One member of the Westborough Recreation Commission as designated by that Commission.
- One member of the Open Space Preservation Committee as designated by that Committee.
- One member of the Westborough Housing Authority as designated by the Authority.
- One member of the Westborough Affordable Housing Trust as designated by that Trust.
- Two (2) members to be appointed at large by the Westborough Select Board. At large members must be residents of Westborough.

Each appointment of a member to the Community Preservation Committee shall be by majority vote of the appointing body, a certified copy of which vote shall be sent by the clerk of the appointing body to the Town Clerk. The members appointed by the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Commission, the Open Space Preservation Committee, the Housing Authority and the Affordable Housing Trust shall be appointed annually for a term of 1 year and shall serve no more than five consecutive terms. The two (2) at large members appointed by the Select Board are appointed as follows: The at large members shall first be appointed in staggered terms (one (1) appointee for a 2-year term; one (1) appointee for a 1-year term) and subsequently be appointed for a term of 3 years. After the initial appointment of the members of the Committee, any vacancy occurring in the Committee from any cause may be filled for the remainder of the unexpired term by the Commission, Board or Authority, as the case may be, which made the initial appointment, for the remainder of the unexpired term. Such appointment shall be made not less than seven days following notice of intent to fill such vacancy.

Should any of the Commissions, Boards, Councils, Authorities, or Committees who have appointment authority under this Chapter be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Council, Authority, or Committee shall become the responsibility of the Select Board.

The Committee shall elect a Chairman and Vice Chairman from among its members and shall elect a Secretary who need not be a member of the Committee. After having a public hearing and requesting recommendations from Town boards and committees, the Committee shall adopt policies, rules and regulations for conducting its affairs and for carrying out its responsibilities. Any member of the Committee may, after a public hearing before the Commission, Board or Authority which appointed the said member, be removed for cause by majority vote of such Commission, Board or Authority.

**SECTION 2                    DUTIES**

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- (A)    The Community Preservation Committee shall study the needs, possibilities, and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the appointing bodies identified in Section 1 of this bylaw, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold at least one annual public informational hearing on the needs, possibilities and resources of the Town regarding community preservation, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.
  
- (B)    The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided in this section.
  
- (C)    The Community Preservation Committee may include, in its recommendation to the Town Meeting, a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending for general purposes that are consistent with community preservation. The Community Preservation Committee may recommend the issuance of general obligation bonds or notes in anticipation of revenues to be raised pursuant to Section 3 of the Act.

In every fiscal year, the Community Preservation Committee shall recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund in each of the following areas for (a) open space and recreation; (b) historic resources; and (c) community housing. As provided in the Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting. The Select Board shall insert an article in the warrant for each Annual Town Meeting, and for any Special Town Meeting upon the written request of the Community Preservation Committee, to enable Town Meeting to make appropriations for community preservation purposes recommended by the Community Preservation Committee for the current or next fiscal year. The community preservation purposes recommended by the Community Preservation Committee to be funded from the Community Preservation Fund shall be in addition to and coordinated with the annual report of recommended capital expenditures prepared by the Capital Expenditures Committee, and the Capital Expenditures Committee shall state at Town Meeting whether it endorses each recommendation of the Community Preservation Committee.

**SECTION 3                    REQUIREMENT FOR A QUORUM AND COST ESTIMATES**

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The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, M.G.L. Chapter 30A, §§18-25. The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote of the quorum present. Recommendations to the Town Meeting shall include the Community Preservation Committee's anticipated costs.

**SECTION 4                    AMENDMENTS**

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This bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with M.G.L. Chapter 44B.

**SECTION 5                    SEVERABILITY**

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In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any

court of last resort, every other section, paragraph or part shall continue in full force and effect.

**SECTION 6                      EFFECTIVE DATE**

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This bylaw shall take effect after all requirements of M.G.L. Chapter 40, §32 have been met, including approval by the Attorney General of the Commonwealth, and the Town has accepted Chapter 44B, Section 3-7 inclusive. Each appointing authority shall have 30 days after approval by the Attorney General to make its initial appointments.

or take any other action thereon

*Article Information - This article establishes a bylaw for the Community Preservation Committee which will be responsible for making recommendations to Town Meeting for the use of Community Preservation Act Funds. The motion for this article **requires a simple majority vote.***

**Motion: Shelby Marshall, 7 Charles Street, Member of the Select Board:** *I move the article as printed in the warrant.*

Shelby Marshall: Westborough voters adopted the Community Preservation Act (CPA) in November 2022. This bylaw establishes the Committee Preservation Committee (CPC) and identifies its composition and duties. The proposed bylaw establishes a 9-member committee composed of one member each from the following: Conservation Commission, Historical Commission, Planning Board, Recreation Commission, Open Space Preservation Committee, Westborough Housing Authority, and Westborough Affordable Housing Trust. There will also be two ‘at large’ member appointed by the Select Board who must be residents. This 9-member committee will be responsible for implementing the Community Preservation Act of Westborough including accepting, reviewing funding applications, and making recommendations to town meeting.

Kris Allen, 8 Edward Dunn Way: Said it is important this committee be established. Nothing is done without a town meeting vote.

Dominic Capriole, 9 Crownridge Road: Asked to explain and define community housing.

Shelby Marshall: Replied the Community Housing is defined by legislation to be “affordable housing”.

Donna Bickel, 4 Gilmore Farm Road: Asked for an explanation of the correlation between Westborough Land Trust and the Community Preservation Act.

Shelby Marshall: Westborough Land Trust is a private organization in which Gary Kessler may be able to explain.

Gary Kessler, 20 Ruggles Street: Said the Community Land Trust is independent and non-profit and there is no relationship between the Community Preservation Act and the Land Preservation Trust. The Community Preservation Act is meant to disperse funds on municipal projects where the Land Trust in part of the municipality.

**VOTE: 137 in favor, 14 opposed. Majority vote. Motion carries.**

**ARTICLE 32: Replace Zoning Bylaws (Planning Board)**

To see if the Town will vote to adopt the reorganizing and renumbering of the Zoning Bylaw of the Town as set forth in the Final Draft of the Zoning Bylaw dated January 2023 on file with the Westborough Planning Board and Town Clerk, said reorganizing and renumbering of the Zoning Bylaw having been done under the direction of the Planning Board. All Zoning Bylaws, as amended, heretofore in force shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law; or what it will do in relation thereto.

Or take any action thereon.

*Article Information – This is a recodification of the Town’s Zoning Bylaws. The Town has been working with General Code to review the existing zoning bylaw. This article recommends reorganization and reformatting improvement to the existing bylaws. The motion for this **article requires a two-thirds majority vote.***

**Motion: Mark Silverberg, 7 Weld Street, Planning Board Member:** *I move the article as printed in the warrant.*



Mark Silverberg. The Planning Board held a public hearing on Article 32 on February 15, 2023, and voted unanimously to support article as written in the warrant. This is taking all of our bylaws currently, reorganizing and renumbering them with no substantive changes under this article. This article is purely to make it easier to read.

Walter Leslie, Advisory Finance Committee Vice Chair: On March 20, 2023, the Advisory Finance Committee voted to recommend that the Town Meeting vote in favor of this article 8-0-0.

**VOTE: 145 in favor, 4 opposed. 2/3 vote. Motion carries.**

**MOTION was then made by Brenden Brodeur, 26 Church Street: *I move to take Article 39 next.***

*Moderator Arnold recognized Mr. Brodeur and asked him to state his reasons for the motion.*

Brenden Brodeur: Article 39 is an important issue for the town meeting to consider. Because there is a long article now, and a contemplated dinner break, a substantial portion of the voting population of the town would be unable to vote on Article 39 if it were taken at the end.

Allen Edinberg, 8 Nash Street, Select Board Member: Against this motion explaining part of function of the warrant is to warn people when articles will be before them. Reordering articles on town meeting floor is likely excluding people who might have decided to come back after dinner break to participate.

Jodi Hensley, 39 Arch Street: Recommended to vote in the affirmative. It is an article that has a lot of special interest.

Joshua Gordon, 33 West Street: This is not fair to the people who are counting on the current placement of the article. He suggested a compromise and have dinner break first.

Moderator Arnold made a procedural note: It is entirely possible to move the article and before we actually get there, somebody could make a motion to recess for dinner. They do not have to be mutually exclusive. Town meeting can decide to vote to do it next and then decide when next is.

Brenden Brodeur, 26 Church Street: Asked if it is possible under the rules to modify the motion to contemplate a dinner break right before Article 39.

Moderator Arnold: The thing to do is vote on the motion and then before someone is called to make a motion on Article 39, someone raises a point of order and then makes a motion to recess for the dinner break.

Brenden Brodeur: The problem is the people voting on his motion would not know whether or not there would be an opportunity for a dinner break to call people back in. Mr. Brodeur asked if he could make it all part of one motion.

Patrick Welch, Member of Select Board: It is the intention of the Select Board to make a motion for a dinner break before Article 39 is taken up.

Moderator Arnold said procedurally we could vote down the motion to do it now and then somebody could make a motion to do it after the dinner break. Mr. Arnold asked Brenden Brodeur if he would like to make amend, you motion so say 'we change the order to next in the warrant and that that will be after a dinner break'.

*Brenden Brodeur: Said he would like to **Amendment his Motion** to say that I would like to move the order of Article 39 to immediately after the dinner break and that the dinner break should be taken immediately following the vote on this Motion.*

*Moderator Arnold: We now have an amendment to move Article 39 to just after dinner break.*

Michael Hyde, 32 Adams Street, asked if voting on the amendment stops the discussion.

Moderator Arnold: It is not the same thing as terminating the debate. Making an amendment does not mean the debate is terminated.

Leigh Emery, 5 Emery Road: Asked if it is possible to skip supper entirely.

Moderator Arnold: There is no need for a motion to skip dinner break. We just would not accept a motion to adjourn for dinner.

Leigh Emery: Made a Motion so the town floor can decide whether to work through a dinner break.

Moderator Arnold: Pointed out it is not a motion but a suggestion. Ms. Emery is suggesting that we abandon the idea of a dinner break and just keep going. In which case we would go back to Mr. Brodeur’s original motion, which will essentially move it right here and right now.

*Moderator Arnold said first we are going to vote to amend the main motion to take Article 39 out of order and have it be taken up immediately after any dinner break.*

**VOTE: 95 in favor, 72 opposed. Majority vote. Motion carries.**

*Moderator Arnold: The amended main motion now is that we take up Article 39 immediately after any dinner break.*

Jacob Clapp, 11 Chauncy Circle: **I move the question.**

Patrick Welch, Select Board Member: **Made a point of order.**

*John Arnold acknowledged the point of order.*

Patrick Welch, Select Board Member: **Made a motion for a 90-minute dinner break.**

*Moderator Arnold: Pointed out Mr. Clapp moved the question so we now decide whether to terminate debate. It requires a 2/3 vote.*

**VOTE to Terminate Debate: 137 in favor, 27 opposed. Debate is terminated.**

**VOTE on the Amended Main Motion (to take up article 39 after any dinner break): 106 in favor, 56 opposed. 2/3 vote fails. Motion to change placement of Article 39 fails.**

Patrick Welch, Member of the Select Board: **The Select Board would like to make a motion for a 90-minute dinner break.**

Moderator Arnold: Said that Mr. Welch is moving that we recess the town meeting until 6:45 p.m. in these halls.

Janet Anderson, 7 Chauncy Street: **Moved to amend the motion** to adjourn until 6:30 p.m.

**VOTE on the Amendment to adjourn Town Meeting until 6:30 p.m.: 110 in favor, 48 opposed. Majority vote. Motion carries.**

**VOTE to Adjourn Town Meeting until 6:30 p.m. in these Halls: 102 in favor, 43 opposed. The meeting stands adjourned until 6:30 p.m.**

*~ Moderator John Arnold called the Annual Town Meeting of March 25, 2023, back to order at 6:30 p.m. in the Westborough High School Auditorium. ~*

**ARTICLE 33: Amend Zoning Bylaws (Planning Board)**

To see if the Town will vote to adopt the general and specific revisions to the Zoning Bylaw as set forth in the Final Draft dated January 2023, including amending the following sections of the Bylaw: Article 1 General Provisions and Definitions; Article 2 Administration and Enforcement; Article 3 Site Plan Review and Design Review; Article 4 Zoning Districts; Article 5 Use and Dimensional Regulations; Article 6 Special Use and Development Regulations; Article 7 Accessory Uses and Structures; Article 8 General Regulations on file with the Westborough Planning Board and Town Clerk. A complete list of all revisions are listed below.

**General Revisions:** These revisions are not substantive in that the meaning or intent of the terminology is not altered. These revisions update the bylaw to be consistent with state law and statute or make terminology consistent with contemporary language.

- References to the Massachusetts General Laws are standardized to the following format: MGL c. \_\_, § \_\_\_\_.

- The terms "Building Inspector" and "Zoning Enforcement Officer" are amended to "Building Commissioner."
- The term "Board of Appeals" is amended to "Zoning Board of Appeals."
- The term "Chairman" is amended to "Chairperson."
- The term "Zoning Bylaws" is amended to "Zoning Bylaw."
- All references to the AB High Rise Apartment District are deleted. This District was removed from the Zoning Bylaw at a previous Town Meeting.
- References to the "Single Residence Zone" are amended to "Single Residential Zone."
- References to "special permit granting authority" are amended to "SPGA."

**Specific Revisions:** These changes are considered substantive amendments in that language may have been added or deleted or the meaning may have been altered.

- 1) The definition of "building, principal" in § 1.6 is amended as indicated: "A building's which has as its primary purpose ~~is for~~ the furtherance of the functioning of the principal use and which is located on the same lot as the principal use."
- 2) The definition of "congregate housing" in § 1.6 is amended to change "over age 60" to "over age 62."
- 3) The definition of "discharge," Subsection B, in § 1.6 is amended to change "Massachusetts Department of Public Works" to "Massachusetts Department of Transportation."
- 4) In § 1.6, the definitions of "marijuana," "marijuana cultivation," and "medical marijuana treatment and dispensing facilities" are deleted.
- 5) The definition of "parking space" in § 1.6 is amended to change "350 square feet" to "180 square feet."
- 6) The definition of "recreational camps" in § 1.6 is amended to change "Massachusetts Department of Health" to "Massachusetts Department of Public Health."
- 7) A definition of "SPGA" is added in § 1.6 reading "Special permit granting authority."
- 8) Section 2.1 is amended as indicated:  
This bylaw shall be administered by the ~~Select Board through a~~ Building Commissioner. The Commissioner's duties shall consist of obtaining all routine information, issuing zoning and occupancy permits, and, in general, administering this bylaw under the control and direction of the Select Board. ~~The Building Commissioner shall be notified by the Select Board as to the granting or refusal of any application over which he may have jurisdiction.~~
- 9) Section 2.2B is amended as indicated:  
Applications for permits for construction shall be accompanied by ~~two prints of~~ a plan of the lot, drawn to scale, showing the actual dimensions of the lot, exact location and size of any existing or proposed buildings, and streets and ways adjacent to the lot, and all other items as required by the then current application.
- 10) Section 2.3 is amended to read as follows:  
A Zoning Board of Appeals is hereby established under the provision of MGL c. 40A, § 12, as amended, consisting of three members and two associate members who shall be appointed and act in all matters under this bylaw in the manner prescribed by MGL c. 40A. The Zoning Board of Appeals shall have the following powers, except where an SPGA is otherwise identified in the bylaw:
- 11) Section 2.3 is amended to delete the footnote that immediately followed the lead-in paragraph, which read: "Except that a Highway Business District BA and BA(f), SLO, ID and MUD (ATM 2010) Special Permits and Appeals shall be heard and decided by the Planning Board unless stated elsewhere in these zoning bylaws."
- 12) Section 2.3B is amended to read as follows:  
Variances. To authorize upon appeal, or upon petition with respect to particular land or structures, a variance from the terms of the Zoning Bylaw where the Board specifically finds that owing to circumstances relating to the soil conditions, shape or topography of such land or structures, and especially affecting such land or structures, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such bylaw. Except where otherwise provided, no variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located; provided, however, that such variances properly granted prior to January 1, 1976, but limited in time may be extended on the same terms and conditions that were in effect for such variance upon said effective date. The Zoning Board of

Appeals is hereby authorized to grant use variances conditioned upon the satisfaction of the criteria for the granting of variances in this section.

- 13) Section 2.3C(1) is amended to change "shall lapse within six months" to "shall lapse within a period of not more than three years."
- 14) Section 2.4, lead-in paragraph, is amended to change "75 days" to "100 days."
- 15) Section 2.7 is amended to change "Select Board" to "Building Commissioner."
- 16) Section 2.8 is amended to change the fine amount from "not more than \$100 for each violation" to "the maximum fine allowable by MGL c. 40A Section 7, except where another penalty is provided".
- 17) Section 3.1B is amended as indicated: "No certificate of zoning compliance shall be issued for any such building or buildings, unless the same conforms in all respects to such site plan and unless all facilities included in the site plan have been built in accordance ~~therein~~ therewith."
- 18) Section 3.1D is amended to change "bylaw" to "section": "Single- and two-family residential uses shall be exempt from this ~~bylaw~~ section. Buildings where external changes are not proposed are exempt from the provisions of this ~~bylaw~~ section."
- 19) Section 3.2 is amended to change "Select Board" to "Planning Board" in the opening paragraph.
- 20) Section 3.2E is added to read as follows: "In addition to the requirements of this article, the procedures for review and approval of site plans shall be as provided in the Town of Westborough Site Plan Review Rules and Regulations adopted by the Planning Board July 16, 2019, as amended."
- 21) Section 3.4 is amended to replace the first two sentences with the following: "A person applying for site plan review shall file an application with the appropriate SPGA or, where there is no special permit required, the Planning Board."
- 22) Section 3.5A is amended to revise the first sentence to read as follows: " The SPGA or, where there is no special permit required, the Planning Board shall not make a finding and determination upon an application until it has received the final reports of the appropriate department and/or boards."
- 23) Section 3.5B is amended to change "Building Commissioner" to "appropriate SPGA."
- 24) Section 3.6C(1) is amended as indicated: " The Design Review Board shall review applications for design review, as appropriate, submitted pursuant to Article 2 and Article 3."
- 25) Section 4.1A is amended to add the Industrial E Overlay (IE) District to the list of districts and to delete Notes (3) through (9) and move the cross-references which appeared in the notes into the table.
- 26) Section 4.3B is amended as indicated: "~~This overlay district shall apply to a~~All new construction, reconstruction, or expansion of existing activities or uses permitted in the portion of the district so overlaid shall be permitted, subject to all the provisions of this district, unless expressly prohibited under this overlay district."
- 27) Section 4.3C(2)(a) is amended as indicated: "At the request of the owner(s), the Town may engage a professional hydrogeologist or engineer to determine more accurately the location and extent of an aquifer or recharge area or to review information submitted by the owner(s) and may charge the owner(s) for all or part of the cost of the investigation."
- 28) Section 4.3E(2)(c) is amended to change "parties of interest" to "parties in interest."
- 29) Section 4.3D(2), the last row in the table is amended to change "SP" to "S."
- 30) Sections 4.4E(1), 4.5E(1), 4.7E(1), 4.8B(1), 4.9B, 4.10B and 6.2B are amended to change the references to § 1.1 (Purpose) to "this Zoning Bylaw."
- 31) Sections 4.4E(3) and 4.7E(3) are amended to change "multiple buildings" to "multiple uses."
- 32) Section 4.4F is amended to change "Select Board" to "SPGA" and to delete the following sentence:  
"Within an MUD, the Select Board shall approve the site plan."
- 33) Section 4.6F(1)(j) is amended as indicated: "Minimum separation of buildings on same lot: 20 feet."
- 34) Section 4.7G(1) and (2) are amended to change "Select Board" to "Planning Board."
- 35) Section 4.8 is amended to change "Planning Board" and "Board" to "SPGA" except in Subsection B(1).
- 36) Section 4.8F is amended to change "Senior Housing Overlay District" to "Senior Living Overlay District."
- 37) Section 4.8H(2)(e) is amended to change "two years" to "three years."
- 38) Section 4.8H(3)(a)[3] is amended to change "continuing care residence community" to "continuing care retirement community."
- 39) Section 5.2B is amended to change "six months" to "12 months."
- 40) Section 5.2F is amended as indicated:  
A nonconforming use which has been abandoned or discontinued for a period of two years, ~~or a noneonforming sign which has been abandoned or discontinued for a period of six months~~, shall not be reestablished and any future use shall conform with this bylaw, except in the case of land used for

agriculture, horticulture or floriculture where such nonuse shall have existed for a period of five consecutive years.

- 41) Section 5.4A, the Dimensional Schedule, is amended to change "30" to "30 feet" in the entry for minimum rear yard under the "All Other" use category.
- 42) Section 5.4A, the Dimensional Schedule, is amended to change "600 feet" to "600 square feet" in the entry for minimum habitable floor area per dwelling unit under the "Senior Living Overlay" use category.
- 43) Section 5.4A, the Dimensional Schedule, is amended to add the word "permit" in the following entry under "Senior Living Overlay": "5 for independent living, no requirement otherwise, or Planning Board determines via special permit."
- 44) Section 5.4B is amended as indicated: Nonresidential buildings in nonresidential districts (BA, BB, IA, IB, ~~IC~~, ID, IE, DPOD, MUD and G2) (see § 5.4A for residential buildings).
- 45) Section 5.4C is amended as indicated: "In the case of adult entertainment uses, all the dimensional requirements of § 6.6D(2) shall be met in addition to the applicable requirements of § 5.4B, BA ~~and BA(f)~~ Districts."
- 46) Section 5.4D is amended as indicated: "...a report with recommendations by the Planning Board has been submitted to the Town Meeting pursuant to the provisions of MGL c. 40A, § 5, as amended, and provided further that the site plan review process as defined by Town bylaws shall apply..."
- 47) Section 6.2A is amended to delete the following sentence: "The Westborough Master Plan dated May 2003 identifies a perceived, but unrealized, provision for multifamily housing."
- 48) Section 6.3A is amended as indicated: "Purpose. The purpose of this section is to:"
- 49) Section 6.3C is amended to change "open community development" to "open space community development" and to revise Subsection C(1) and (2) as indicated:
  - (1) For major residential development, that is, the potential creation of more than six residential house lots on a property or set of contiguous properties in common ownership, an open space community development is allowed only by special permit issued by the Planning Board, in accordance with § 2.3C.
  - (2) For minor residential development or a parcel of at least five acres but less than 10 acres in size, at the owner's option, an application can be made for an open space community special permit issued by the Planning Board in accordance with § 2.3C in preference to filing a conventional development plan.
- 50) Section 6.5B(2) is amended to read as follows: "Large-scale ground-mounted solar photovoltaic installations shall only be allowed in the districts as indicated on the Use Regulation Schedule."
- 51) Section 6.6B is amended to add "issued by the Planning Board in accordance with § 2.3C" after "Special permits" and to change "adult paraphernalia" to "adult paraphernalia stores."
- 52) The definition of "adult bookstore" in § 6.6C is amended as indicated: "An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, and other matter which are distinguished or characterized by their emphasis ~~sexual~~ depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31."
- 53) Section 6.6D(2)(a) is amended as indicated:

The applicant shall file one copy of the application with the Town Clerk and deliver a second, date stamped copy of the application ~~from~~ to the office of the Planning Board. All applications shall be accompanied by 15 copies of the ~~permit applied for~~ application and required plans and specifications. ~~Special permits issued by a special permit granting authority shall require a two-thirds vote of boards with more than five members, a vote of at least four members of a five member board and a unanimous vote of a three member board.~~
- 54) Section 6.6D(2)(b)[4] is amended to change "adult entertainment establishment" to "adult live entertainment establishment."
- 55) Section 6.6D(2)(e) is amended to change "city or Town Clerk" to "Town Clerk" and is also amended as indicated:

Special permits issued by ~~a special permit granting authority~~ the Planning Board under this section shall require a ~~two-thirds vote of boards with more than five members, a vote of at least four members of a five member board and a unanimous vote of a three member board~~ vote of at least four members of the Board.
- 56) Section 6.7F(1) is amended to change "Licensing Board" to "Select Board" in the last sentence.
- 57) Section 6.7F(2) is amended as indicated: "Abutters and abutters-to-abutters within 500 feet shall be notified, in writing, of said application, and the notice shall include any and all dates and locations of public hearings on said application."
- 58) The definition of "marijuana" in § 6.7H is amended as indicated:

In addition to the commonwealth's definition under MGL c. 94C, ~~our definition~~ for purposes of this bylaw the term "marijuana" shall include marijuana, marihuana, cannabis, hashish, cannabis seeds, THC (tetrahydrocannabinol) and its derivatives and extracts as well as any substances containing THC, whether in plant, including its flowers, oil, resin, solid, liquid or aerosol form.

- 59) The definition of "medical marijuana treatment and dispensing facilities" in § 6.7H is amended as indicated:  
~~A not for profit~~ An entity, as defined by Massachusetts Law as a "medical marijuana treatment center," registered under ~~this law MGL c. 94I~~, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments or marijuana accessories), transfers, transports, sells, distributes or dispenses medical-use marijuana and related supplies and educational material to qualifying patients or their personal caregivers.
- 60) Section 6.8 is amended to correct the reference to MGL c. 94G, § 1(j), to MGL c. 94G, § 1.
- 61) Section 7.1E(1)(f) and (i) are amended to change "bylaw/ordinance" and "bylaws/ordinances" to "bylaw" and "bylaws," respectively.
- 62) Section 7.2A is amended as indicated: "As provided in the Use Regulation Schedule, a mobile home as a residential use is prohibited in all districts. However, a mobile home or camper may be temporarily occupied:"
- 63) Original Section 4430, Swimming Pool Fencing, is deleted.
- 64) Section 7.5A is amended as indicated:  
Except where otherwise provided in this Zoning Bylaw, in nonresidential areas, no structures (including but not limited to power generation or communication devices) shall be permitted with a height in excess of 75 feet, nor shall any such structure be permitted as part of another structure or building with an aggregate height in excess of 75 feet.
- 65) Section 7.5B is amended as indicated:  
Except where otherwise provided in this Zoning Bylaw, in residential areas, no structures (including but not limited to power generation or communication devices) shall be permitted with a height in excess of 35 feet, nor shall any such structure be part of a residential structure with an aggregate height in excess of 50 feet.
- 66) Section 8.1C is amended as indicated: "For parking areas of six cars or more, in addition to the requirements in § 8.3B(3), the following shall apply:"
- 67) Section 8.2D(5) is amended as indicated:  
Signs which are mounted to any motor vehicle or trailer which is parked for the sole purpose of advertising or directing traffic to a business establishment on or off premises are prohibited ~~except by special permit issued by the Select Board, and then only within Business (BA and BB) and Industrial (IA and IB) Districts.~~
- 68) Section 8.2E(2) is amended to read "Signs which may be permitted in any business, industrial or mixed use district:"
- 69) Section 8.2E(7) is amended to change "Historical Commission" to "Historic Commission."
- 70) Section 8.2G(2) is amended as indicated: "~~A nonconforming sign which is removed or abandoned for longer than 30 days or destroyed by more than 35% shall not be replaced unless it complies with this bylaw.~~ Once a business closes, any nonconforming sign must be removed immediately and any new sign must conform."
- 71) Section 8.4A(4) is amended to update "Massachusetts Department of Environmental Management" to "Massachusetts Department of Environmental Protection."
- 72) Section 8.4G is amended as indicated: "Violations of this section, or of any condition of a special permit or approval granted under this section, shall be punished by a fine ~~of not more than \$300 per day~~ consistent with the fine structure allowable under MGL c. 40, § 21(17), except where another penalty is provided"
- 73) The Use Regulation Schedule is amended in the entry for "Large-scale ground-mounted solar photovoltaic installations" under Accessory Uses, to change "N" to "Y" in the AE District.
- 74) The Use Regulation Schedule is amended in the entry for "Earth removal" to remove Footnote (1) and change "S" in all columns to "SP."
- 75) The Use Regulation Schedule is amended in the entry for "Agriculture, horticulture or floriculture" to delete the word "no" as indicated: "Expansion or reconstruction of existing structures upon land primarily being used for agriculture, horticulture or floriculture shall not be prohibited or unreasonably regulated except that such activities may be limited to parcels of ~~no~~ more than 5 acres in area not zoned for agriculture, horticulture or floriculture."

Or take any action thereon.

*Article Information – The article will transfer reviewing authority of signage from the Historical Commission to the Design Review Board in the Downtown, Historic Districts and other Districts where there is overlapping review authority. The motion for this article requires a two-thirds majority vote.*

**Motion: Jon Pezzoni, 34 Old Nourse Street, Member of the Planning Board:** *I move the article as printed in the warrant with the following revisions:*

*Under General Revisions, shorten the word Chairman to Chair;*

*Item 20: Change Section 3.2E to Section 3.1E;*

*Item 64: Change Section 7.5 A to Section 7.6A;*

*Item 65: Change Section 7.5B to Section 7.6B*

Jon Pezzoni: The Planning Board held a public hearing on Article 33 on February 15, 2023, with a continuation on February 28, 2023. The board voted unanimously to support the article as written in the warrant with the changes noted in the motion.

Walter Leslie, Advisory Finance Committee Vice Chair: The Finance Advisory Committee recommended the town vote all numbers except #67, 8-0-0 on March 20, 2023. 4-4. The Advisory Finance Committee got more information and today on March 25, 2023, and voted to 8-0-0 recommending #67. Therefore, the Advisory Finance Committee recommended all 75 revisions with a vote of 8-0-0.

Jim Robbins, Town Planner: This article comes as a result of our Zoning Review Committee and hiring a consultant two years ago called General Code. General Code is a law firm that does nothing but review and rewrite zoning bylaws. They made both general revisions and substantive revision recommendations. Most of the revisions are general in nature. However, there are 75 such specific/substantive revisions meaning there were word changes or there were changes in meaning. Of those, the review committee felt there were 13 that would interest the town because they were related to either time, matters associated with permits or money matters regarding enforcement and fines. He said the purpose of the proposed changes is to bring the Town Zoning Bylaws into conformance with state laws and statutes; make the Bylaws more understandable and enforceable; and remove inconstancy, redundancy and streamline the permitting process. He said the ‘General Revisions’ are not substantive in that the meaning or intent of the terminology is not altered. These revisions update the bylaw to be consistent with state law and statute or make terminology consistent with contemporary language.

Mr. Robbins went on to say the 13 revisions that warrant further explanations are as follows:

13) Section 2.3C(1) is amended to change “shall lapse within six months” to “shall lapse within a period of not more than 3 years.”

14) Section 2.4, lead-in paragraph is amended to change “75 days” to “100 days.”

16) Section 2.8 is amended to change the fine amount from “not more than \$100 for each violation” to “the maximum fine allowable by MGL c. 40A Section 7, except where another penalty is provided”

27) Section 4.3C(2)(a) is amended as indicated: “At the request of the owner(s), the Town may engage a professional hydrogeologist or engineer to determine more accurately the location and extent of an aquifer or recharge area or to review information submitted by the owner(s) and may charge the owner(s) for all or part of the cost of the investigation.”

31) Section 4.4E(3) and 4.7E(3) are amended to change “multiple buildings” to “multiple uses.”

37) Section 4.8H(2)(e) is amended to change “two years” to “three years.”

39) Section 5.2B is amended to change “six months” to “12 months.”

56) Section 6.7F(1) is amended to change “Licensing Board” to “Select Board” in the last sentence.

63) Original Section 4430, Swimming Pool Fencing, is deleted.

67) Section 8.2D(5) is amended as indicated:

Signs which are mounted to any motor vehicle or trailer which is parked for the sole purpose of advertising ~~or directing traffic to~~ a business establishment on or off premises are prohibited. ~~except by special permit issued by the Select Board, and then only within Business (BA and BB) and Industrial (1A and 1B) Districts.~~

70) Section 8.2G(2) is amended as indicated: ~~“A nonconforming sign which is removed or abandoned for longer than 30 days or destroyed by more than 35% shall not be replaced unless it complies with this bylaw.”~~

72) Section 8.4G is amended as indicated: “Violations of this section, or of any condition of a special

permit or approval granted under this section, shall be punished by a fine of ~~not more than \$300 per day~~ consistent with the fine structure allowable under MGL c. 40, § 21(17), except where another penalty is provided”

73) The Use Regulation Schedule is amended in the entry for “Large-scale ground-mounted solar photovoltaic installations” under Accessory Uses, to change “N” to “Y” in the AE District.

74) The Use Regulation Schedule is amended in the entry for “earth removal” to remove Footnote (1) and change “S” in all columns to “SP.”

75) The Use Regulation Schedule is amended in the entry for “Agriculture, horticulture or floriculture” to delete the word “no” as indicated: “Expansion or reconstruction of existing structures upon land primarily being used for agriculture, horticulture or floriculture shall not be prohibited or unreasonably regulated except that such activities may be limited to parcels of ~~no~~ more than 5 acres in area not zoned for agriculture, horticulture or floriculture.”

Mr. Robbins summarized by saying the proposed changes bring the Town Zoning Bylaws into conformance with state laws and statutes; make the bylaws more understandable and enforceable; and remove inconsistency, redundancy and streamline the permitting process.

Rick Kotoski, 5 Arch Street: Made a **Point of Order**. On two of the items, he noticed slight differences between what Mr. Robbins was saying and what is in the booklet. On #27, in a couple of places Mr. Robbins referred to “owner” and “applicant” whereas the text in the Advisory Finance Committee booklet specifically says owner. Are they one and the same or do we need an amendment?

Jim Robbins, Town Planner: Replied yes, the bylaw would say “owner”. It is what is in the warrant and what was said in the presentation.

Rick Kotoski, 5 Arch Street: Also questioned #67: “or directing traffic to” in that it is crossed out. In the AFC booklet, it is not crossed out; and, on the power point presentation, it is.

Mark Silverberg, 7 Weld Street and Planning Board Chair: Made a motion to remove “or directing traffic to” because they felt, advertising covered that and it is a little redundant.

**MOTION: Mark Silverberg, 7 Weld Street, Member of the Planning Board: *Made a motion to amend 67 to cross-out the words “or directing traffic”.***

Moderator Arnold: *Said 75 items have changed of which 13 have been explained. Mr. Arnold proposed to give people a chance to question all 75 items. He asked if anyone has questions on the General Revisions and read each of the 75 numbers. There were questions on numbers: 2, 4, 33, 54, and 67 (a question has been asked and there is a pending amendment to strike the words “or directing traffic to”).*

Moderator Arnold: *Said there are questions on the general revisions; and then #2, #4, #33, #54 and #67.*

Moderator Arnold: *Said he is going to hear any questions on the General Revisions section; and, there were no questions. Mr. Arnold went ahead with a vote on the General Revisions and said a 2/3 vote is needed.*

**VOTE on the changes proposed in the General Revisions: 143 in favor, 7 opposed. 2/3 vote. Motion carries.**

**VOTE on all unquestioned items #1 through #75 in the warrant with the exception of #2, #4, #33, #54 and #67: 143 in favor, 9 opposed. 2/3 vote. Motion carries.**

*Moderator Arnold went back to the questions items.*

**Item #2:**

Nathan Walsh, 3 Mathieu Drive, said traditionally congregate housing is when you have independent bedrooms and then you share a kitchen, a bathroom, or some common room. This could include certain situations where there are children housed in a particular facility. We do have some congregate settings. Can you expand on section 1.6 to give a sense as to what this change is maybe excluding by changing this wording?

Jim Robbins, Town Planner: All we are doing is changing the age definition from 60 to 62. At a previous town meeting we updated our senior housing bylaw to go from age 55 to 62 to comply with the state definition of senior housing. This is similar. This has to do with the state definition of congregate housing for elderly people.



**VOTE on #2: 142 in favor, 8 opposed. 2/3 vote. Motion carries.**

**Item #4:**

Shelby Marshall, 7 Charles Street, Select Board Member: Can you explain the change?

Jim Robbins, Town Planner: This is to remove redundancy. Decided to delete from the definition and have it contained within the portion of the bylaw specifically related to marijuana.

**VOTE on Item #4: 143 in favor, 6 opposed. 2/3 vote. Motion carries.**

**Item #33:**

Shelby Marshall, 7 Charles Street, Select Board member: If “feet” is, being added what was there before?

Jim Robbins, Town Planner: There was nothing there before so adding the word “feet” to clarify.

**VOTE on Item #33: 146 in favor, 6 opposed. 2/3 vote. Motion Carries.**

**Item #54:**

Nathan Walsh, 3 Mathieu Drive, said it sounds like this is expanding what may be allowed and that we used to restrict adult entertainment establishments, and now it sounds like we are only going to limit only adult live entertainment establishments. Does this mean an adult xxx movie theatre would be allowed some place it had not been allowed before? Why did we decide to change it?

James Robbins, Town Planner: It’s to clarify the definitions in the adult entertainment section of the zoning bylaw, which is section 6.6(c).

**VOTE on Item #54: 141 in favor, 13 opposed. 2/3 vote. Motion carries.**

**Item #67:**

*Moderator Arnold noted there is an amendment proposed to strike the words “or directing traffic to”.*

Nathan Walsh, 3 Mathieu Drive, asked if this limits things like car washes and yard sales.

Mark Silverberg, Planning Board Chair: It says, “Advertising any business establishment”. A yard sale is not a business establishment.

**VOTE on Mr. Silverberg’s Amendment to strike the words “or directing traffic to” such that the end result is it would say “for the sole purpose of advertising a business establishment”.**

**Vote on the Amendment: 134 in favor, 11 opposed. Amendment carries.**

**VOTE on the Amended Main Motion Item #67 as printed in the warrant and in the Finance Committee booklet with the exception that we are also striking out the words “or directing to”.**

**VOTE: 146 in favor, 11 opposed. 2/3 vote. Motion carries.**

*Moderator Arnold said at this point we have voted on all of Article 33 and it was voted as printed in the warrant with the exception of the amendment made in #67. All of the items received the 2/3 vote necessary.*

**ARTICLE 34: Update to Zoning Bylaws (Planning Board)**

To see if the Town will vote to Amend its zoning bylaws Section 8.2 Signs and Outside Display by amending:

Subsection C. (6) Projecting signs, by adding the words “except as permitted by the Design Review Board (DRB) in the Downtown Business (BB), Downtown Planning Overlay District (DPOD), Historic District or Gateway 2 District (G2)”;

And by amending Subsection E. (7) Historical Districts and/or National Register properties, item (b) by deleting the words “Historic Commission” in two locations and replacing it with “Design Review Board”;

And by deleting the following sentence at the end Subsection E.(7) (b): “Where there are overlapping review of

building elements required by both the Historic Commission and the Design Review Board, the Design Review Board shall be the approving authority for signage on these buildings.”

In addition, by deleting Subsection E. (7) (c) in its entirety and replacing it with the following:  
“The Design Review Guidelines shall be applied by the DRB in reviewing and approving signs. Copies of these guidelines shall be made available from both the DRB and Building Commissioner.”

And by amending Subsection E. (7) (d) by deleting the words, “Historical Commission” and “where appropriate” so that the final language in this section reads as follows:  
“Following signage review the DRB shall provide a decision to the Building Commissioner.”  
And by amending Subsection E. (7) (f) by deleting the words “Historical Commission or”

Or take any action thereon.

*Article Information –The motion for this article **requires a two-thirds majority vote.***

**Motion: Hazel Nourse, 80 Nourse Street, Member of the Planning Board:** *I move the article as printed in the warrant.*

Hazel Nourse: The Planning Board held a public hearing on Article 34 on February 15, 2023, and voted unanimously to support the article as written in the warrant. Historical Commission is in support of this article and feels strongly it is an appropriate move to have the Design Review Board take over the sign applications for downtown and historic area.

Walter Leslie, Member of the Advisory Finance Committee: On March 20, 2023, the Advisory Finance Committee voted 8-0-0 to recommend the town vote in favor of this article.

Jim Robbins, Town Planner: The purpose of this article is to allow projecting signs (signs that are mounted perpendicular to the building façade) in the downtown business district, downtown planning overlay district, the gateway 2 district, and design review board approval is required. Secondly, to transfer the authority for signage permitting in those same districts from the Historic Commission to the Design Review Board. The benefits are: projecting signs to create better visibility, improves the attractiveness of the streetscape, creates a more historic atmosphere for the business district, transferring the authority for signage approval from the Historic Commission to the Design Review Board, streamlines the permitting process, reduces redundancy and confusion, and reduces time and expense to the applicants.

**VOTE: 149 in favor, 9 opposed. 2/3 vote. Motion carries.**

**ARTICLE 35: Amend Animal Control Bylaw (Animal Control Officer)**

To see if the Town will vote to amend Article 38 of the General Bylaws by amending Section 2, Definitions, to add the following definitions and re-lettering the section and;

Emotional Support animal: Animals including Dogs whose sole function is to provide comfort or emotional support

Service Dog: A dog that is individually trained to do work or perform tasks for people with disabilities. The work or task a dog has been trained to provide must be directly related to the person’s disability.

further to amend Sections 3 and 4 by deleting the strikethrough text and adding the bold italicized text, as follows:

Section 3	LICENSE AND TAGS
(A)	Any owner or keeper of a dog six (6) months of age or older shall by January 1 cause the dog to be registered, numbered, described and licensed with the Town Clerk in accordance with the laws of the Commonwealth of Massachusetts. Dogs under six (6) months of age may be licensed as soon as they are vaccinated against rabies. <del>Dogs shall also wear identification tags that identify the owner of such dog.</del>
(B)	The license shall be valid for a licensing period of January 1 through December 31 of the year the license is issued. As a prerequisite to the issuance of such license, the owner or keeper of the dog must present the Town Clerk with a veterinarian's certification that the dog has been vaccinated in accordance with M.G.L. c. 140, §145B, as may be amended from time-to-time, certification that such dog is exempt from the vaccination requirement under said section or a notarized letter from a

veterinarian that either of these certifications was issued relative to such dog. Exemptions to vaccinations must be renewed annually.

- (C) The fee for such a License shall be established by the Select Board.
- (D) Should any owner of a dog required to be licensed under M.G.L. c. 140 § 137 or section 3 of this Bylaw in the Town of Westborough fail to license his dog by ~~January~~ **April** 1, the owner shall pay a late fee of five dollars plus an additional fee of five dollars per month beginning April 1 before obtaining said license.

#### Section 4 RESTRAINT

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No person shall permit any dog, whether licensed or unlicensed, to be on private property without permission of the owner thereof. With permission of the owner, a person may permit any dog, whether licensed or unlicensed, to be unrestrained on private property.

No person shall permit any dog, licensed or unlicensed, on any public property within the Town, including but not limited to public ways, recreation areas, parks, public water supply properties and cemeteries, unless the dog is properly restrained. Notwithstanding the foregoing, dogs need not be restrained on those public lands as specifically identified and voted by the Select Board. A dog is under restraint for purposes of this Bylaw if it is accompanied by its owner or other person responsible for the dog, who is in full control of such dog through use of a leash or functioning electronic collar while in range and in sight of the owner or keeper. ***Dogs must be prevented from closely approaching other persons who do not want the dog near them.***

No dog shall be allowed on lands designated by the Board of Health or Town athletic fields or courts.

~~This provision~~ ***These provisions*** shall not apply to a ~~dog specially trained to lead or serve a blind, deaf, or handicapped person or Service dog~~ or a dog specially trained for police work and actively serving in law enforcement ***while the dog is engaged in performing its work.***

No dog shall be allowed to defecate on the private property of another person. No person shall fail to promptly remove and properly dispose of any feces left by any dog owned, kept or controlled by them on any public property within the Town.

*Article Information –The motion for this article requires a simple majority vote.*

**Motion: Patrick Welch, 15 Chauncy Circle, Member of the Select Board:** *I move the article as printed in the warrant.*

Melinda MacKendrick, 36 Water, Street, Animal Control Officer: The changes are mostly housekeeping. She is adding the definitions of emotional support animal; and, service dogs. These come directly from Americans with Disabilities. In the licensing section under Section A she is taking out the sentence that says, “dogs shall wear an additional identification tag”. In the licensing section under Section D what is says now is there is a late fee after January 1<sup>st</sup>. It should be April 1<sup>st</sup>. She said the only real change is adding wording to the end after electronic collars that you have to prevent your dog from closely approaching people that do not want you to. Also, updating the wording on service dogs by taking out what says dogs specially trained to lead or serve blind, deaf or handicapped person and changing it from this provision to these provisions.

Lorena Altamirano, 57 Adams Street: There is a typo. **The word preforming should be performing.**

Moderator Arnold said we’d take that as an editing error and allow that to be made without a motion.

**VOTE: 160 in favor, 5 opposed. Motion carries.**

#### **Article 36: Amend General Bylaws – Timing of Town Meeting and Town Election**

To see if the Town will vote to amend Article 2, Sections 1 and 2, of the General Bylaws by deleting the strikethrough text and adding the bold italicized text, as follows:

#### **ARTICLE 2 – Town Meetings and the Procedure Thereat**

##### **Section 2 Fall Town Meeting**

A special meeting for the consideration of such business as the Select Board may place upon the warrant shall ordinarily be held on the ~~third Monday~~ ***second Saturday*** in October commencing at ~~7:00 p.m.~~ ***9:00 a.m. unless otherwise determined by the Select Board.*** An alternative date may be determined by the Select Board for the commencement of the meeting. In the event that all articles in the warrant have not been acted upon by the end of

the first session, the meeting shall stand adjourned to a time and date agreeable to the meeting as established by majority vote. No quorum or minimum number of voters shall be required for this meeting.

*Article Information – Approval of this article would move the start time for October Town Meeting from a Monday in October at 7pm to a Saturday in October at 9am similar to the Annual Town Meeting start time. The motion for this article **requires a simple majority vote.***

**Motion: Allen Edinberg, 8 Nash Street, Member of Select Board:** *I move the article as printed in the warrant with the following revision: to change 2<sup>nd</sup> Saturday to 3<sup>rd</sup> Saturday.*

Allen Edinberg: Following the fall 2022 town meeting the Select Board received many statements of concerns about holding the meeting on a weeknight. Approval of this article will move the fall town meeting to the 3<sup>rd</sup> Saturday in October at 9 a.m.

Jonathan Rappaport, 7 Brady Road: Said Saturday meetings present a conflict for the Jewish community and feels it is prejudicial towards a segment of our society.

Anna Kung, 14 Cortland Drive: Asked town meeting to defeat the article and feels Monday evenings work well for many people.

Ellen Gugel, 84 Fisher Street: Spoke against the article. We are the only Town who have Town Meeting starting on a Saturday.

Michael Karp, 11 Peters Farm Way: Commented that this affects more than the Jewish community; and, asked if the Select Board considered any other alternatives than selecting a Saturday?

**Mike Barretti, Chair of the Advisory Finance Committee: Told Town Meeting that the Advisory Finance Committee just voted to defeat this article 6-0-2 (abstentions).**

Karen Henderson, 11 High Street: Asked if we do vote against this wondering about changing the wording to start at 6 p.m. on Monday.

Moderator Arnold: Responded that is beyond the scope of this article because it deals with Saturday.

Rick Kotoski, 5 Arch Street: Asked what the alternative would be if we vote against this. What governs if we meet on a Monday in October?

Allen Edinberg, Member of Select Board: The current wording is: shall ordinarily be held on the Third Monday in October commencing at 7:00 p.m.

Robert Gilmore, 35 Water Street: Pointed out there are two inseparable items. Changing the dates; and, and allowing that at the Select Boards discretion. Leave the bylaw the way it appears but with the only change being ‘unless otherwise determined by the Select Board’.

Moderator Arnold: *Made a note of that **Amendment.***

Allen Edinberg, Member of Select Board: The bylaw already includes the statement an alternative date may be determined by the Select Board for the commencement of the meeting.

Robert Gilmore: ***Withdrew his amendment.***

Felisha Vaytsman, 27 West Street: Said it is impossible accommodate every schedule and religion. We should look at what day and time we get the most civic involvement. She is in favor of the change.

Rebecca Micucci, 10 Fairview Road: Asked the Select Board consider other means of people being able to vote from home.

Moderator aArnold: Encouraged Ms. Micucci to contact him to discuss the various things that prohibit at home participation for open town meetings.

Tom Shea, 15 Cross Street: ***Made a motion to terminate the debate.***

*Mr. Arnold recognized Mr. Shea. He said the motion to end the debate is non-debatable; and, requires a 2/3 vote.*

**VOTE: 132 in favor, 43 opposed. 2/3 vote. Motion carries.**

Mr. Arnold said we now move to the main motion made by Mr. Edinberg where he changed what’s printed in the warrant and the Finance Committee booklet to say essentially ‘strike out ‘3<sup>rd</sup> Monday’’ and have it say ‘3<sup>rd</sup> Saturday’ and change it from ‘7 p.m.’ to ‘9 a.m.’ and then add the words ‘unless otherwise determined by the Select Board’.

**VOTE: 77 in favor, 104 opposed. Not a 2/3 vote. Motion is defeated.**

**ARTICLE 37: Roadway Acceptance Quick Farm Road (DPW)**

To see if the Town will vote to accept as a public way the layout of a portion of Quick Farm Road, which portion commences at the end of the public way portion of Quick Farm Road at station 13 + 80.11, runs for a distance of 1,815.36 feet, more or less, to station 31 + 95.47 feet, the sideline of public way known as Orchard Hill Drive, as heretofore laid out by the Select Board and shown on plans titled “Acceptance Plan of Quick Farm Road in Westborough, MA,”, dated January 7, 2022, last revised August 31, 2022, and prepared by Thompson-Liston Associates Inc., further to authorize the Select Board to acquire, by gift, purchase or eminent domain, the fee or a permanent easement in said roadway and any drainage, access, utility and other easements related thereto, or take any other action thereon.

*Article Information – Approval of this article will make the second portion of Quick Farm Road a public way. This subdivision road, located within the residential subdivision known as “The Orchards at Quick Farm”, was created by conditional approval of the Planning Board. The owners are ready to turn this road over to the Town. The motion for this article requires a 2/3 vote.*

**Motion: Chris Payant, 18 Forbes Street, DPW Manager:** *I move the article as printed in the warrant.*

Chris Payant: Explained that after work is completed on subdivisions, the town takes the road over.

Donna Bickel, 4 Gilmore Farm Road: Asked what the tradeoff is for the Town; and, are other communities in the town eligible for this?

Chris Payant: Replied the town takes on these properties. The benefit is we get taxes from the houses that are built. If there is one that is already established and was agreed to that it would remain private, he believes it would be a separate process if the town were too considerate that as a public road.

**VOTE: 155 in favor, 15 opposed. 2/3 vote. Motion carries.**

**ARTICLE 38: Amend General Bylaws – Revolving Funds**

To see if the Town will vote to amend Article 15 of the General Bylaws by deleting the strikethrough text, as follows:

Economic Development Small Business Grant	To Provide grant assistance for small businesses	Billboard fees	Economic Development Committee	\$40,000
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*Article Information – The town has been advised that a revolving fund is not an appropriate mechanism to fund economic development grants to small businesses because such grants are not related to and do not support the billboard leases that generate the revenues. The motion for this article **requires a simple majority vote.***

**Motion: Patrick Welch, 15 Chauncy Circle, Member of the Select Board:** *I move the article as printed in the warrant.*

Patrick Welch: In 2018, Town Meeting authorized the creation of a revolving account to fund the economic development small business grant program. The program was intended to be funded through digital billboard fee agreements. The revolving fund can no longer be used as a funding mechanism for this program per the attorney general. Article 9 of this warrant proposed to fund the program through free cash and that approval of this article removes revolving account from Town’s Bylaws.

**VOTE: 166 in favor, 7 opposed. Majority vote. Motion carries.**

### **ARTICLE 39: Abandon the Westborough Climate Action Plan (By Petition)**

To see if the Town will abandon the Westborough Climate Action Plan. *Requires a simple majority vote.*

**Motion: Boyd Conklin, 8 Water Street:** *I move that the Town vote to abandon the Westborough Climate Action Plan.*

*Moderator Arnold said that Town Counsel has advised us this is a non-binding resolution of the meeting. It gives voters an opportunity to voice its opinion about the climate action plan but it does not affect future town meetings to act on recommendations related to the climate action plan.*

Boyd Conklin, 8 Water Street: Gave a ten- minute presentation on his reasoning behind abandoning the Westborough Climate Action Plan.

Mary Payant, 18 Forbes Street: Made a **Point of Order**.

*Moderator Arnold asked Mr. Conklin to state what he believes are facts but please do not disparage others by name. Mr. Conklin voiced his opinion as to what is disparaging in his statement. Discussion on Article 39 continued.*

Boyd Conklin went on with a power point presentation with several facts and statistics relative to climate change. He said he is available for debate by contacting [boydconklin@gmail.com](mailto:boydconklin@gmail.com).

Peter Dunbeck, 8 Wayside Road, Chair of Sustainable Westborough and former Chair of the Climate Plan Task Force: Standing in opposition of Article 39. The task force was recommended by a vote of town meeting in 2019; and, was established by the Select Board and appointed by the Town Manager in 2020. What is the Climate Action Plan “CAP” and how does it help Westborough? The goal is net zero in 2050. It is a strategic plan. The CAP is non-binding. Any action in response to the CAP such as funding or establishing new Westborough’s standard governance must approve policies processes. The scope of the plan is inclusive of the entire community. The CPA is Westborough’s plan to align with Massachusetts goals for climate action.

Mike Karp, 11 Peters Farm Way: Said there is a lot of information and curious as to whether the information is accurate or not. He asked Boyd Conklin where it came from.

Boyd Conklin: Responded that it is the “current data out there”.

Mike Karp: Can you give us a working definition of the word science?

Boyd Conklin: Science is illusive; and, there is a lot of profit driven in science.

Andy Koenigsberg, 3 Smith Street: Challenged Mr. Conklin’s information presented in his power point presentation. He urged town meeting to reject Mr. Conklin’s agenda and reject this article.

Mike Mathieu, 20 Andrews Road: Asked Mr. Conklin to explain his qualifications.

Boyd Conklin: Replied he was an event scientist for pharmaceutical firms for twenty years.

Joe Considine, 10 Smith Street: Said he is an advocate for green energy but this article has merit. Our town has been focused on green energy projects like those that the \$7 million spend on solar panels and geothermal heating for Fales School without doing real long-term cost benefit analysis. What is the payback for this project? We need to use the same fiscal discipline we would on any project. There are more impactful and cost-effective ways to go green.

Wes Church, 1 Baldwin Court: ***Moved the question.***

*John Arnold said Mr. Church has moved the question, the purpose of which is to terminate debate.*

**VOTE: 182 in favor, 28 opposed. 2/3 vote. Debate terminated.**

*Moderator Arnold said we now come to action on Mr. Conklin’s motion, which is the Town vote to abandon the Climate Action Plan.*

**VOTE: 28 in favor, 184 opposed. Motion is defeated.**

**Patrick Welch, Member of the Select Board: Moved to dissolve the March 25, 2023, Annual Town**

Meeting.

**VOTE: 140 in favor, 9 opposed. Motion carries.**

***Moderator John Arnold declared the 2023 Annual Town Meeting, closed.***

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*Given under our hands the 28<sup>th</sup> day of February in the year Two Thousand and Twenty-Three.*

\_\_\_\_\_  
*s/Ian Johnson, Chair*

\_\_\_\_\_  
*s/Sean Keogh, Vice Chair*

\_\_\_\_\_  
*s/Allen Edinberg*

\_\_\_\_\_  
*s/Shelby Marshall*

\_\_\_\_\_  
*s/Patrick Welch*

***SELECT BOARD OF WESTBOROUGH***

\Worcester, ss

*I have this day served the within Warrant by posting up attested copies thereof at the Town Library Bulletin Board and Town Hall Bulletin Board in said Westborough and by mailing a copy thereof to the residence of the Town Moderator all on February \_\_\_\_\_, 2023.*

\_\_\_\_\_  
*s/Constable of Westborough*

\Worcester, ss

*Attest:*

\_\_\_\_\_  
*Town Clerk*

851620/WBOR/0275